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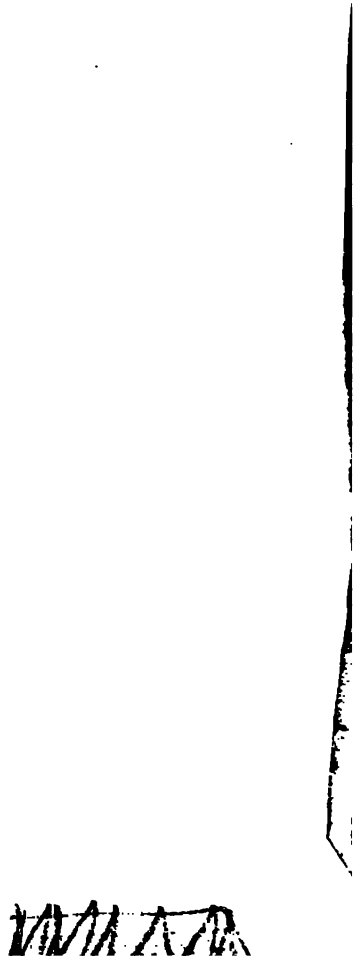

A COLLECTION of ESSAYS

AND

FUGITIV WRITINGS.

ON

MORAL, HISTORICAL, POLITICAL and LITERARY SUBJECTS.

BY NOAH WEBSTER, JUN.
ATTORNEY AT LAW.

Heureuſes les villes qui, comme les individus, n'ont point encore pris leur pli ! Elles ſeules peuvent aſpirer à des loix unanimes, profondes et ſages. TABLEAU DE PARIS.

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TO

The PRESIDENT,
The VICE PRESIDENT,
The SENATORS, and
The REPRESENTATIVS

OF THE

UNITED STATES of AMERICA,

The following PUBLICATION,

Deſigned to

Aid the PRINCIPLES of the REVOLUTION,

TO

Suppreſs POLITICAL DISCORD,

AND TO

Diffuſe a SPIRIT of ENQUIRY,

Favorable to MORALS, to SCIENCE, and TRUTH,

Is moſt humbly inſcribed,

As a TRIBUTE of RESPECT for their KARACTERS,

Of GRATITUDE for their PUBLIC SERVICES,

And a PLEDGE of ATTACHMENT

TO THE

Preſent CONSTITUTION

OF THE

AMERICAN REPUBLIC,

BY THEIR MOST OBEDIENT,

AND MOST HUMBLE SERVANT,

The Author.

HARTFORD, *June*, 1790.

As the author was absent from the press, and the copy, in some places, obscure or not correct, some errors have unavoidably escaped the notice of the printers. The following are the most material.

Page 47, line 7, after *corporate* add *body*.
49, line 4 from bottom, for *cognized* reed *organized*.
54, line 6 of note, for *would* reed *could*.
58, line 7, for *contrary* reed *contracting*.
146, last line, for *thousand* reed *hundred*.
151, line 2 from bottom, for *jurisdiction* reed *usurpation*.
263, line 13, for *do* reed *did*.
275, line 5, for *Archorites* reed *Archontes*.
283, line 14, for *leriquæ* reed *linguæ*, and for *duodeni duodeni*.
323, last line of text, for *godfather* reed *grandfather*.
327, line 7 from bottom, for *change* reed *chance*.
332, line 7 from bottom, for *masks* reed *marks*.
334, line 22, place the full point after *equity*.
349, line 1, for *district* reed *distinct*.
350, line 2, for *mass* reed *map*.
355, line 5, for *ilans* reed *clans*.
365, line 9, for *the manners* reed *this manner*.
375, line 3 and 4 from bottom, for *ilans* reed *ilands*.
377, line 4, for *Roman* reed *Roman*.
382, line 4 from bottom, for *necessarily* reed *necessary*.
401, line 18, for *normous* reed *enormous*.

PREFACE.

THE following Collection conſiſts of Eſſays and Fugitiv Peeces, ritten at various times, and on different occaſions, az wil appeer by their dates and ſubjects. Many of them were dictated at the moment, by the impulſe of impreſſions made by important political events, and abound with a correſpondent warmth of expreſſion. This freedom of language wil be excuſed by the frends of the revolution and of good guvernment, who wil recollect the ſenſations they hav experienced, amidſt the anarky and diſtraction which ſucceeded the cloze of the war. On ſuch occaſions a riter wil naturally giv himſelf up to hiz feelings, and hiz manner of *riting* wil flow from hiz manner of *thinking*.

MOST of thoze peeces, which hav appeered before in periodical papers and Magazeens, were publiſhed with fictitious ſignatures; for I very erly diſcuvered, that altho the name of an old and reſpectable karacter givs credit and conſequence to hiz ritings, yet the name of a yung man iz often prejudicial to hiz performances. By conceeling my name, the opinions of men hav been prezerved from an undu bias arizing from perſonal prejudices, the faults of the ritings hav been detected, and their merit in public eſtimation aſcertained.

THE favorable reception given to a number of theze Eſſays by an indulgent public, induced

me

me to publiſh them in a volum, with ſuch alterations and emendations, az I had heerd ſuggeſted by frends or indifferent reeders, together with ſome manuſcripts, that my own wiſhes led me to hope might be uſeful.

DURING the courſe of ten or twelv yeers, I hav been laboring to correct popular errors, and to aſſiſt my yung brethren in the road to truth and virtue; my publications for theze purpoſes hav been numerous; much time haz been ſpent, which I do not regret, and much cenſure incurred, which my hart tells me I do not dezerv. The influence of a yung writer cannot be ſo powerful or extenſiv az that of an eſtabliſhed karacter; but I hav ever thot a man's uſefulneſs depends more on *exertion* than on *talents*. I am attached to America by berth, education and habit; but abuv all, by a philoſophical view of her ſituation, and the ſuperior advantages ſhe enjoys, for augmenting the ſum of ſocial happineſs.

I SHOULD hav added another volum, had not recent experience convinced me, that few large publications in this country wil pay a printer, much leſs an author. Should the Eſſays here preſented to the public, proov undezerving of notice, I ſhal, with cheerfulneſs, reſign my other papers to oblivion.

THE reeder wil obzerv that the orthography of the volum iz not uniform. The reezon iz, that many of the eſſays hav been publiſhed before, in the common orthography, and it would hav been a laborious taſk to copy the whole, for the ſake of changing the ſpelling.

IN

IN the eſſays, ritten within the laſt yeer, a conſiderable change of ſpelling iz introduced by way of experiment. This liberty waz taken by the writers before the age of queen Elizabeth, and to this we are indeted for the preference of modern ſpelling over that of Gower and Chaucer. The man who admits that the change of *houſbonde, mynde, ygone, moneth* into *huſband, mind, gone, month,* iz an improovment, muſt acknowlege alſo the riting of *helth, breth, rong, tung, munth,* to be an improovment. There iz no alternativ. Every poſſible reezon that could ever be offered for altering the ſpelling of wurds, ſtil exiſts in full force; and if a gradual reform ſhould not be made in our language, it wil proov that we are leſs under the influence of reezon than our anceſtors.

Hartford, June, 1790.

CONTENTS.

CONTENTS.

No. I.

On the Education of Youth in America.

Page

GENERAL Remarks. 1

Diviſion of the Subject. Attention to the Dead Languages. 3

Study of the Engliſh Language, neceſſary. 7

Uſe of the Bible in Skools. 8

Study of Mathematics. 9

Diverſity of Studies in the ſame Skool. 10

Local Situation of Colleges and Academies. 11

On claſſing Students. 13

Of good Inſtructors. 15

Fatal Effects of employing Men of low Characters in Skools. 18

What Books ſhould be read in Skools. 23

On public Skools—their Importance in a free Guvernment. 24

On the Education of Females. 27

On a foreign Education. 30

The Tour of America, a neceſſary Part of a liberal Education. 35

No. II.

Principles of Guvernment and Commerce.

Origin of Guvernment. 38

Of Repreſentation. *ibid.*

Of the Executiv and Judicial Powers. 39

Diſtinction between Laws and legiſlativ Grants and Contracts. 40

Of collecting Debts by Law, and of Money. 42

Of Public Juſtice. 43

No. III.

On Bills or Declarations of Rights.

Neceſſity and Advantages of ſuch Declarations in England. 45

Bills of Rights not neceſſary in America. 46

No.

Page

No. IV.

On Guvernment.

Of the Diſtinction between a Convention and Legiſlature. 49

No. V.

The Subject continued, with a Conſideration of Mr. Jefferſon's Arguments in Favor of an unalterable Conſtitution. 59

No. VI.

The Subject continued. That the Freemen of a State hav no Right to bind their Repreſentativs in Legiſture by their own Inſtructions. 72

No. VII.

Remarks on the Manners, Guvernment and Debt of the United States.

State of America after the War. 81
Cauſes of Public Unhappineſs. 84
Pernicious Effects of Introducing foreign Manners. 85
——————— *Falſe Taſte* 94
Force of Habit in Guvernment. 97
Fatal Effects of a Sudden Influx and fluctuating Value of Money. 105
Inſtability of Laws. 112

No. VIII.

On Paper Money. 119

No. IX.

On Redreſs of Grievances. 125

No. X.

The Influence of the Devil. 127

No. XI.

Deſultory Thoughts on the Tranquillity of the Guvernment of Connecticut, Emiſſions of Paper Currency, Union of the States, and Popular Complaints reſpecting Lawyers. 132

No. XII.

Advice to Connecticut Folks. 137

No.

Page

No. XIII.

An Addreſs to the Diſſenting Members of the late Convention in Penſylvania. 142

No. XIV.

On Teſt Laws, Oaths of Allegiance, Abjuration and partial Excluſions from Office. 151

No. XV.

Sketches of the Riſe, Progreſs and Conſequences of the late Revolution.

Ground of European Claims to North America. 154
Origin and Progreſs of the Controverſies reſpecting America. 155
Cauſes of the late War, between Great Britain and America. 158
Maſſacre at Boſton in 1770. 161
Firſt Congreſs in 1774. 164
Battle of Lexington, and Progreſs of the War. 167
Appointment of General Waſhington to the Command of the American Armies. 169
Letter from General Waſhington, explaining the Circumſtances which led to the Capture of Lord Cornwallis. 180
Treaty of Peace. 182
Conſequences of the War. Defects of the Confederation. 183
Popular Tumults on Account of Half Pay to the Officers of the Army. 184
——— *on Account of the Cincinnati.* 186
Failure of Public Credit. 187
Inſurrection in Maſſachuſetts. 189
Regulation of Prices. 192
Hiſtory of Paper Money. 194
State of Commerce. 198
Origin of the Convention in 1786. 199
Convention and new Form of Federal Government. 200
Proceſſions in Honor of the Conſtitution. 203
Firſt Congreſs under the Conſtitution. *ibid.*

No.

Page

No. XVI.

Remarks on the Method of Burying the Dead among the Natives of this Country, compared with that among the Ancient Britons. 205

No. XVII.

On the Regularity of the City of Philadelphia. 217

No. XVIII.

A Diſſertation concerning the Influence of Language on Opinions, and of Opinions on Language. 222

No. XIX.

Effect of Muſic on Society. 229

No. XX.

On the Morality of Savage Nations. 233

No. XXI.

A Letter from Conſtantia, with the Anſwer. 239

No. XXII.

Letter on the Education of a Young Man, with an Anſwer. 245

No. XXIII.

An Enquiry into the Origin of the Words Domeſday, Pariſh, Parliament, Peer, Baron, with Remarks, new and intereſting.

Etymology of Domeſday. 250
Probable Etymology of Pariſh. 252
Etymology of Parliament. 258
——— *of Peer.* 261
——— *of Baron.* 268
Extract from Camden's Britannia. 291
——— *from Sir William Temple's Works.* 297
Poſtſcript, with Remarks on Juries after the Conqueſt. 299

No. XXIV.

The Injuſtice, Abſurdity, and Bad Policy of Laws againſt Uſury. 304

No. XXV.

The Grounds and Extent of Allegiance, Natural and Local. 317

No.

Page

No. XXVI.

Explanation of the Reezons, why Marriage iz prohibited between Natural Relations, deſigned to determin the Propriety of marrying a Wife's Siſter.

No. XXVII.

Miſcellaneous Remarks on Diviſions of Property, Guvernment, Education, Religion, Agriculture, Slavery, Commerce, Climate and Diſeezes in the United States.

Connection between Property and Power. 326
Tenure of Lands in Europe. *ibid.*
——— *in New Englaud—its Effects* 328
Cauſes which may in Future change our Governments. 332
Karacter of the Firſt Settlers of New England—their Inſtitutions—Support of Clergymen, Skools, Newſpapers, Pariſh Libraries, &c. 332 to 339
Conſtitution of Connecticut—Origin—Excellencies and Defects. 340, 347
Remarks on the State of New York. 347
——— *New Jerſey—Territorial Controverſy between Eaſt and Weſt Jerſey.* 348
Penſylvania—Territorial Controverſy between that State and Connecticut. 355
Maryland. 360
Virginia. 361
Carolinas and Georgia. 364
Agriculture—Influence of Slavery on this. 365
Climate of America. 368
Comparativ Temperature of the Wether in the Northern and Suthern States. 372

No. XXVIII.

On a Diſcrimination between the Original and Purchaſing Creditors of the United States. 378

No. XXIX.

An Addreſs to Yung Gentlemen. 387

No. XXX.

An Addreſs to Yung Ladies. 406

On

A

COLLECTION OF ESSAYS.

No. I.

NEW YORK, 1788.

On the EDUCATION *of* YOUTH *in* AMERICA.

THE Education of youth is, in all governments, an object of the firſt conſequence. The impreſſions received in early life, uſually form the characters of individuals; a union of which forms the general character of a nation.

The mode of Education and the arts taught to youth, have, in every nation, been adapted to its particular ſtage of ſociety or local circumſtances.

In the martial ages of Greece, the principal ſtudy of its Legiſlators was, to acquaint the young men with the uſe of arms, to inſpire them with an undaunted courage, and to form in the hearts of both ſexes, an invincible attachment to their country. Such was the effect of their regulations for theſe purpoſes, that the very women of Sparta and Athens, would reproach their own ſons, for ſurviving their companions who fell in the field of battle.

Among the warlike Scythians, every male was not only taught to uſe arms for attack and defence; but was obliged to ſleep in the field, to carry heavy burthens, and to climb rocks and precipices, in order to habituate himſelf to hardſhips, fatigue and danger.

In Perſia, during the flouriſhing reign of the great Cyrus, the Education of youth, according to Xenophon, formed a principal branch of the regulations of the empire. The young men were divided into claſſes, each of which had ſome particular duties to perform, for which they were qualified by previous inſtructions and exerciſe.

While nations are in a barbarous ſtate, they have few wants, and conſequently few arts. Their principal objects are, defence and ſubſiſtence; the Education of a ſavage therefore extends little farther, than to enable him to uſe, with dexterity, a bow and a tomahawk.

But in the progreſs of manners and of arts, war ceaſes to be the employment of whole nations; it becomes the buſineſs of a few, who are paid for defending their country. Artificial wants multiply the number of occupations; and theſe require a great diverſity in the mode of Education. Every youth muſt be inſtructed in the buſineſs by which he is to procure ſubſiſtence. Even the civilities of behavior, in poliſhed ſociety, become a ſcience; a bow and a curteſy are taught with as much care and preciſion, as the elements of Mathematics. Education proceeds therefore, by gradual advances, from ſimplicity to corruption. Its firſt object, among rude nations, is ſafety; its next, utility; it afterwards extends to convenience; and among the opulent part of civilized nations, it is directed principally to ſhow and amuſement.

In deſpotic ſtates, Education, like religion, is made ſubſervient to government. In ſome of the vaſt empires of Aſia, children are always inſtructed in the occupation of their parents; thus the ſame arts are always continued in the ſame families. Such an inſtitution cramps genius, and limits the progreſs of national improvement; at the ſame time it is an almoſt immoveable barrier againſt the introduction of vice, luxury, faction and changes in government. This is one of the principal cauſes, which have operated in combining numerous millions of the human race under one form of government, and preſerving national tranquillity

quillity for incredible periods of time. The empire of China, whoſe government was founded on the patriarchical diſcipline, has not ſuffered a revolution in laws, manners or language, for many thouſand years.

In the complicated ſyſtems of government which are eſtabliſhed among the civilized nations of Europe, Education has leſs influence in forming a national character; but there is no ſtate, in which it has not an inſeparable connection with morals, and a conſequential influence upon the peace and happineſs of ſociety.

Education is a ſubject which has been exhauſted by the ableſt writers, both among the ancients and moderns. I am not vain enough to ſuppoſe I can ſuggeſt any new ideas upon ſo trite a theme as Education in general; but perhaps the manner of conducting the youth in America may be capable of ſome improvement. Our conſtitutions of civil government are not yet firmly eſtabliſhed; our national character is not yet formed; and it is an object of vaſt magnitude that ſyſtems of Education ſhould be adopted and purſued, which may not only diffuſe a knowlege of the ſciences, but may implant, in the minds of the American youth, the principles of virtue and of liberty; and inſpire them with juſt and liberal ideas of government, and with an inviolable attachment to their own country. It now becomes every American to examin the modes of Education in Europe, to ſee how far they are applicable in this country, and whether it is not poſſible to make ſome valuable alterations, adapted to our local and political circumſtances. Let us examin the ſubject in two views. Firſt, as it reſpects arts and ſciences. Secondly, as it is connected with morals and government. In each of theſe articles, let us ſee what errors may be found, and what improvements ſuggeſted, in our preſent practice.

The firſt error that I would mention, is, a too general attention to the dead languages, with a neglect of our own.

This practice proceeds probably from the common uſe of the Greek and Roman tongues, before the Engliſh was brought to perfection. There was a long period of time, when theſe languages were almoſt the only repoſitories of ſcience in Europe. Men, who had a taſte for learning, were under a neceſſity of recurring to the ſources, the Greek and Roman authors. Theſe will ever be held in the higheſt eſtimation both for ſtile and ſentiment; but the moſt valuable of them have Engliſh tranſlations, which, if they do not contain all the elegance, communicate all the ideas of the originals. The Engliſh language, perhaps, at this moment, is the repoſitory of as much learning, as one half the languages of Europe. In copiouſneſs it exceeds all modern tongues; and though inferior to the Greek and French in ſoftneſs and harmony, yet it exceeds the French in variety; it almoſt equals the Greek and Roman in energy, and falls very little ſhort of any language in the regularity of its conſtruction.*

In deliberating upon any plan of inſtruction, we ſhould be attentive to its future influence and probable advantages. What advantage does a merchant, a mechanic, a farmer, derive from an acquaintance with the Greek and Roman tongues? It is true, the etymology of words cannot be well underſtood, without a knowlege of the original languages of which ours is compoſed. But a very accurate knowlege of the meaning of words and of the true conſtruction of ſentences, may be obtained by the help of Dictionaries and good Engliſh writers; and this is all that is neceſſary in the common occupations of life. But ſuppoſe there is ſome advantage to be derived from an acquaintance with the dead languages, will this compenſate for the loſs of five or perhaps ſeven years of valuable time? Life is ſhort, and every hour ſhould be employed to good purpoſes. If there are no ſtudies of more conſequence to boys, than thoſe of Latin and Greek, let theſe languages employ their time; for idleneſs is the bane of youth.

But

* This remark is confined ſolely to *its conſtruction*; in point of orthography, our language is intolerably irregular.

But when we have an elegant and copious language of our own, with innumerable writers upon ethics, geography, hiſtory, commerce and government; ſubjects immediately intereſting to every man; how can a parent be juſtified in keeping his ſon ſeveral years over rules of Syntax, which he forgets when he ſhuts his book; or which, if remembered, can be of little or no uſe in any branch of buſineſs? This abſurdity is the ſubject of common complaint; men ſee and feel the impropriety of the uſual practice; and yet no arguments that have hitherto been uſed, have been ſufficient to change the ſyſtem; or to place an Engliſh ſchool on a footing with a Latin one, in point of reputation.

It is not my wiſh to diſcountenance totally the ſtudy of the dead languages. On the other hand I ſhould urge a more cloſe attention to them, among young men who are deſigned for the learned profeſſions. The poets, the orators, the philoſophers and the hiſtorians of Greece and Rome, furniſh the moſt excellent models of Stile, and the richeſt treaſures of Science. The ſlight attention given to a few of theſe authors, in our uſual courſe of Education, is rather calculated to make pedants than ſcholars; and the time employed in gaining ſuperficial knowlege is really waſted.

> "A little learning is a dangerous thing,
> "Drink deep, or taſte not the Pierian ſpring."

But my meaning is, that the dead languages are not neceſſary for men of buſineſs, merchants, mechanics, planters, &c. nor of utility ſufficient to indemnify them for the expenſe of time and money which is requiſite to acquire a tolerable acquaintance with the Greek and Roman authors. Merchants often have occaſion for a knowlege of ſome foreign living language, as, the French, the Italian, the Spaniſh, or the German; but men, whoſe buſineſs is wholly domeſtic, have little or no uſe for any language but their own; much leſs, for languages known only in books.

There is one very neceſſary uſe of the Latin language, which will always prevent it from falling into neglect;

neglect; which is, that it ſerves as a common interpreter among the learned of all nations and ages. Epitaphs, inſcriptions on monuments and medals, treaties, &c. deſigned for perpetuity, are written in Latin, which is every where underſtood by the learned, and being a dead language is liable to no change.

But the high eſtimation in which the learned languages have been held, has diſcouraged a due attention to our own. People find themſelves able without much ſtudy to write and ſpeak the Engliſh intelligibly, and thus have been led to think rules of no utility. This opinion has produced various and arbitrary practices, in the uſe of the language, even among men of the moſt information and accuracy; and this diverſity has produced another opinion, both falſe and injurious to the language, that there are no rules or principles on which the pronunciation and conſtruction can be ſettled.

This neglect is ſo general, that there is ſcarcely an inſtitution to be found in the country, where the Engliſh tongue is taught regularly, from its elements to its true and elegant conſtruction, in proſe and verſe. Perhaps in moſt ſchools, boys are taught the definition of the parts of ſpeech, and a few hard names which they do not underſtand, and which the teacher ſeldom attempts to explain; this is called *learning grammar*. This practice of learning queſtions and anſwers without acquiring any ideas, has given riſe to a common remark, *that grammar is a dry ſtudy*; and ſo is every other ſtudy which is proſecuted without improving the head or the heart. The ſtudy of geography is equally dry, when the ſubject is not underſtood. But when grammar is taught by the help of viſible objects; when children perceive that differences of words ariſe from differences in things, which they may learn at a very early period of life, the ſtudy becomes entertaining, as well as improving. In general, when a ſtudy of any kind is tireſome to a perſon, it is a preſumptive evidence that he does not make any proficiency in knowlege, and this is almoſt always the fault of the inſtructor.

In

In a few inſtances perhaps the ſtudy of Engliſh is thought an object of conſequence; but here alſo there is a great error in the common practice; for the ſtudy of Engliſh is preceded by ſeveral years attention to Latin and Greek. Nay, there are men, who contend that the beſt way to become acquainted with Engliſh, is to learn Latin firſt. Common ſenſe may juſtly ſmile at ſuch an opinion; but experience proves it to be falſe.

If language is to be taught mechanically, or by rote, it is a matter of little conſequence whether the rules are in Engliſh, Latin or Greek: But if children are to acquire *ideas*, it is certainly eaſier to obtain them in a language which they underſtand, than in a foreign tongue. The diſtinctions between the principal parts of ſpeech are founded in nature, and are within the capacity of a ſchool boy. Theſe diſtinctions ſhould be explained in Engliſh, and when well underſtood, will facilitate the acquiſition of other languages. Without ſome preparation of this kind, boys will often find a foreign language extremely difficult, and ſometimes be diſcouraged. We often ſee young perſons of both ſexes, puzzling their heads with French, when they can hardly write two ſentences of good Engliſh. They plod on for ſome months with much fatigue, little improvement, and leſs pleaſure, and then relinquiſh the attempt.

The principles of any ſcience afford pleaſure to the ſtudent who comprehends them. In order to render the ſtudy of language agreeable, the diſtinctions between words ſhould be illuſtrated by the differences in viſible objects. Examples ſhould be preſented to the ſenſes, which are the inlets of all our knowlege. That *nouns are the names of things, and that adjectives expreſs their qualities*, are abſtract definitions, which a boy may repeat five years without comprehending the meaning. But that *table* is the name of an article, and *hard* or *ſquare* is its property, is a diſtinction obvious to the ſenſes, and conſequently within a child's capacity.

There

There is one general practice in ſchools, which I cenſure with diffidence; not becauſe I doubt the propriety of the cenſure, but becauſe it is oppoſed to deep rooted prejudices: This practice is the uſe of the Bible as a ſchool book. There are two reaſons why this practice has ſo generally prevailed: The firſt is, that families in the country are not generally ſupplied with any other book: The ſecond, an opinion that the reading of the ſcriptures will impreſs, upon the minds of youth, the important truths of religion and morality. The firſt may be eaſily removed; and the purpoſe of the laſt is counteracted by the practice itſelf.

If people deſign the doctrines of the Bible as a ſyſtem of religion, ought they to appropriate the book to purpoſes foreign to this deſign? Will not a familiarity, contracted by a careleſs diſreſpectful reading of the ſacred volume, weaken the influence of its precepts upon the heart?

Let us attend to the effect of familiarity in other things.

The rigid Puritans, who firſt ſettled the New England States, often choſe their burying ground in the center of their ſettlements. Convenience might have been a motive for the choice; but it is probable that a ſtronger reaſon was, the influence which they ſuppoſed the frequent burials and conſtant ſight of the tombs would have upon the lives of men. The choice, however, for the latter purpoſe, was extremely injudicious; for it may be laid down as a general rule, that thoſe who live in a conſtant view of death, will become hardened to its terrors.

No perſon has leſs ſenſibility than the Surgeon, who has been accuſtomed to the amputation of limbs. No perſon thinks leſs of death, than the Soldier, who has frequently walked over the carcaſſes of his ſlain comrades; or the Sexton, who lives among the tombs.

Objects that affect the mind ſtrongly, whether the ſenſations they excite are painful or pleaſureable, always loſe their effect by a frequent repetition of their impreſſions.

preſſions.* Thoſe parts of the ſcripture, therefore, which are calculated to ſtrike terror to the mind, loſe their influence by being too frequently brought into view. The ſame objection will not apply to the hiſtory and morality of the Bible; ſelect paſſages of which may be read in ſchools to great advantage. In ſome countries, the common people are not permitted to read the Bible at all: In ours, it is as common as a newſpaper, and in ſchools, is read with nearly the ſame degree of reſpect. Both theſe practices appear to be extremes. My wiſh is not to ſee the Bible excluded from ſchools, but to ſee it uſed as a ſyſtem of religion and morality.

Theſe remarks ſuggeſt another error which is often committed in our inferior ſchools: I mean that of putting boys into difficult ſciences, while they are too young to exerciſe their reaſon upon abſtract ſubjects. For example; boys are often put to the ſtudy of mathematics, at the age of eight or ten years; and before they can either read or write. In order to ſhow the impropriety of ſuch a practice, it is neceſſary to repeat what was juſt now obſerved, that our ſenſes are the avenues of knowlege. This fact proves that the moſt natural courſe of Education is that which employs, firſt the ſenſes or powers of the body, or thoſe faculties of the mind which firſt acquire ſtrength; and then proceeds to thoſe ſtudies which depend on the power of comparing and combining ideas. The art of writing is mechanical and imitative; this may therefore employ boys, as ſoon as their fingers have ſtrength ſufficient

* The veneration we have for a great character, ceaſes with an intimate acquaintance with the man. The ſame principle is obſervable in the body. High ſeaſoned food, without frequent intervals of abſtinence, loſes its reliſh. On the other hand, objects that make ſlight impreſſions at firſt, acquire ſtrength by repetition. An elegant ſimplicity in a building may not affect the mind with great pleaſure at firſt ſight; but the pleaſure will always increaſe with repeated examinations of the ſtructure. Thus by habit, we become exceſſively fond of food which does not reliſh at firſt taſting; and ſtrong attachments between the ſexes often take place from indifference, and even from averſion.

ficient to command a pen. A knowledge of letters requires the exercise of a mental power, memory; but this is coeval almost with the first operations of the human mind; and with respect to objects of sense, is almost perfect even in childhood. Children may therefore be taught reading, as soon as their organs of speech have acquired strength sufficient to articulate the sounds of words.*

But those sciences, a knowlege of which is acquired principally by the reasoning faculties, should be postponed to a more advanced period of life. In the course of an English Education, mathematics should be perhaps the last study of youth in schools. Years of valuable time are sometimes thrown away, in a fruitless application to sciences, the principles of which are above the comprehension of the students.

There is no particular age, at which every boy is qualified to enter upon mathematics to advantage. The proper time can be best determined by the instructors, who are acquainted with the different capacities of their pupils,

Another error, which is frequent in America, is that a master undertakes to teach many different branches in the same school. In new settlements, where people are poor, and live in scattered situations, the practice is often unavoidable: But in populous towns, it must be considered as a defective plan of Education. For suppose the teacher to be equally master of all the branches which he attempts to teach, which seldom happens, yet his attention must be distracted with a multiplicity of objects, and consequently painful to himself and not useful to the pupils. Add to this the continual interruptions which the students of one branch suffer from those of another, which must retard the progress of the whole

* Great caution should be observed in teaching children to pronounce the letters of the alphabet. The labials are easily pronounced; thus the first words a child can speak are *papa* and *mama*. But there are some letters, particularly *l* and *r*, which are of difficult pronunciation, and children should not be pressed to speak words in which they occur. The difficulty may produce a habit of stammering.

whole ſchool. It is a much more eligible plan to appropriate an apartment to each branch of Education, with a teacher who makes that branch his ſole employment. The principal academies in Europe and America are on this plan, which both reaſon and experience prove to be the moſt uſeful.

With reſpect to literary inſtitutions of the firſt rank, it appears to me that their local ſituations are an object of importance. It is a ſubject of controverſy, whether a large city or a country village is the moſt eligible ſituation for a college or univerſity. But the arguments in favor of the latter, appear to me deciſive. Large cities are always ſcenes of diſſipation and amuſement, which have a tendency to corrupt the hearts of youth and divert their minds from their literary purſuits. Reaſon teaches this doctrine, and experience has uniformly confirmed the truth of it.

Strict diſcipline is eſſential to the proſperity of a public ſeminary of ſcience; and this is eſtabliſhed with more facility, and ſupported with more uniformity, in a ſmall village, where there are no great objects of curioſity to interrupt the ſtudies of youth or to call their attention from the orders of the ſociety.

That the morals of young men, as well as their application to ſcience, depend much on retirement, will be generally acknowleged; but it will be ſaid alſo, that the company in large towns will improve their manners. The queſtion then is, which ſhall be ſacrificed; the advantage of an *uncorrupted heart* and an *improved head*; or of poliſhed manners. But this queſtion ſuppoſes that the virtues of the heart and the poliſh of the gentleman are incompatible with each other; which is by no means true. The gentleman and the ſcholar are often united in the ſame perſon. But both are not formed by the ſame means. The improvement of the head requires cloſe application to books; the refinement of manners rather attends ſome degree of diſſipation, or at leaſt a relaxation of the mind. To preſerve the purity of the heart, it is ſometimes neceſſary, and always uſeful, to place a youth beyond the reach of bad examples;

examples; whereas a general knowlege of the world, of all kinds of company, is requiſite to teach a univerſal propriety of behavior.

But youth is the time to form both the head and the heart. The underſtanding is indeed ever enlarging; but the ſeeds of knowlege ſhould be planted in the mind, while it is young and ſuſceptible; and if the mind is not kept untainted in *youth*, there is little probability that the moral character of the *man* will be unblemiſhed. A genteel addreſs, on the other hand, *may* be acquired at any time of life, and *muſt* be acquired, if ever, by mingling with good company. But were the cultivation of the underſtanding and of the heart, inconſiſtent with genteel manners, ſtill no rational perſon could heſitate which to prefer. The goodneſs of a heart is of infinitely more conſequence to ſociety, than an elegance of manners; nor will any ſuperficial accompliſhments repair the want of principle in the mind. It is always better to be *vulgarly right*, than *politely wrong*.

But if the amuſements, diſſipation and vicious examples in populous cities render them improper places for ſeats of learning; the monkiſh mode of ſequeſtering boys from other ſociety, and confining them to the apartments of a college, appears to me another fault. The human mind is like a rich field, which, without conſtant care, will ever be covered with a luxuriant growth of weeds. It is extremely dangerous to ſuffer young men to paſs the moſt critical period of life, when the paſſions are ſtrong, the judgement weak, and the heart ſuſceptible and unſuſpecting, in a ſituation where there is not the leaſt reſtraint upon their inclinations. My own obſervations lead me to draw the veil of ſilence over the ill effects of this practice. But it is to be wiſhed that youth might always be kept under the inſpection of age and ſuperior wiſdom; that literary inſtitutions might be ſo ſituated, that the ſtudents might live in decent families, be ſubject, in ſome meaſure, to their diſcipline, and ever under the control of thoſe whom they reſpect.

Perhaps

Perhaps it may alſo be numbered among the errors in our ſyſtems of Education, that, in all our univerſities and colleges, the ſtudents are all reſtricted to the ſame courſe of ſtudy, and by being claſſed, limited to the ſame progreſs. Claſſing is neceſſary, but whether ſtudents ſhould not be removeable from the lower to the higher claſſes, as a reward for their ſuperior induſtry and improvements, is ſubmitted to thoſe who know the effect of emulation upon the human mind.

But young gentlemen are not all deſigned for the ſame line of buſineſs, and why ſhould they purſue the ſame ſtudies? Why ſhould a merchant trouble himſelf with the rules of Greek and Roman ſyntax, or a planter puzzle his head with conic ſections? Life is too ſhort to acquire, and the mind of man too feeble to contain, the whole circle of ſciences. The greateſt genius on earth, not even a Bacon, can be a perfect maſter of *every* branch; but any moderate genius may, by ſuitable application, be perfect in any *one* branch. By attempting therefore to teach young gentlemen every thing, we make the moſt of them mere ſmatterers in ſcience. In order to qualify perſons to figure in any profeſſion, it is neceſſary that they ſhould attend cloſely to thoſe branches of learning which lead to it.

There are ſome arts and ſciences which are neceſſary for every man. Every man ſhould be able to ſpeak and write his native tongue with correctneſs; and have ſome knowlege of mathematics. The rules of arithmetic are indiſpenſably requiſite. But beſides the learning which is of common utility, lads ſhould be directed to purſue thoſe branches which are connected more immediately with the buſineſs for which they are deſtined.

It would be very uſeful for the farming part of the community, to furniſh country ſchools with ſome eaſy ſyſtem of practical huſbandry. By repeatedly reading ſome book of this kind, the mind would be ſtored with ideas, which might not indeed be underſtood in youth, but which would be called into practice in ſome ſubſequent period of life. This would lead the mind to the ſubject of agriculture, and pave the way for improvements.

Young

Young gentlemen, deſigned for the mercantile line, after having learned to write and ſpeak Engliſh correctly, might attend to French, Italian, or ſuch other living language, as they will probably want in the courſe of buſineſs. Theſe languages ſhould be learned early in youth, while the organs are yet pliable; otherwiſe the pronunciation will probably be imperfect. Theſe ſtudies might be ſucceeded by ſome attention to chronology, and a regular application to geography, mathematics, hiſtory, the general regulations of commercial nations, principles of advance in trade, of inſurance, and to the general principles of government.

It appears to me that ſuch a courſe of Education, which might be completed by the age of fifteen or ſixteen, would have a tendency to make better merchants than the uſual practice which confines boys to Lucian, Ovid and Tully, till they are fourteen, and then turns them into a ſtore, without an idea of their buſineſs, or one article of Education neceſſary for them, except perhaps a knowlege of writing and figures.

Such a ſyſtem of Engliſh Education is alſo much preferable to a univerſity Education, even with the uſual honors; for it might be finiſhed ſo early as to leave young perſons time to ſerve a regular apprenticeſhip, without which no perſon ſhould enter upon buſineſs. But by the time a univerſity Education is completed, young men commonly commence *gentlemen*; their age and their pride will not ſuffer them to go thro the drudgery of a compting houſe, and they enter upon buſineſs without the requiſite accompliſhments. Indeed it appears to me that what is now called a *liberal Education*, diſqualifies a man for buſineſs. Habits are formed in youth and by practice; and as buſineſs is, in ſome meaſure, mechanical, every perſon ſhould be exerciſed in his employment, in an early period of life, that his habits may be formed by the time his apprenticeſhip expires. An Education in a univerſity interferes with the forming of theſe habits; and perhaps forms oppoſite habits; the mind may contract a fondneſs for eaſe, for pleaſure or for books, which no efforts

can

can overcome. An academic Education, which ſhould furniſh the youth with ſome ideas of men and things, and leave time for an apprenticeſhip, before the age of twenty one years, would in my opinion, be the moſt eligible for young men who are deſigned for activ employments.

The method purſued in our colleges is better calculated to fit youth for the learned profeſſions than for buſineſs. But perhaps the period of ſtudy, required as the condition of receiving the uſual degrees, is too ſhort. Four years, with the moſt aſſiduous application, are a ſhort time to furniſh the mind with the neceſſary knowlege of the languages and of the ſeveral ſciences. It might perhaps have been a period ſufficiently long for an infant ſettlement, as America was, at the time when moſt of our colleges were founded. But as the country becomes populous, wealthy and reſpectable, it may be worthy of conſideration, whether the period of academic life ſhould not be extended to ſix or ſeven years.

But the principal defect in our plan of Education in America, is, the want of good teachers in the academies and common ſchools. By good teachers I mean, men of unblemiſhed reputation, and poſſeſſed of abilities, competent to their ſtations. That a man ſhould be maſter of what he undertakes to teach, is a point that will not be diſputed; and yet it is certain that abilities are often diſpenſed with, either thro inattention or fear of expenſe.

To thoſe who employ ignorant men to inſtruct their children, permit me to ſuggeſt one important idea: That it is better for youth to have *no* Education, than to have a bad one; for it is more difficult to eradicate habits, than to impreſs new ideas. The tender ſhrub is eaſily bent to any figure; but the tree, which has acquired its full growth, reſiſts all impreſſions.

Yet abilities are not the ſole requiſites. The inſtructors of youth ought, of all men, to be the moſt prudent, accompliſhed, agreeable and reſpectable. What avail a man's parts, if, while he is the "wiſeſt

and

and brighteſt," he is the "meaneſt of mankind?" The pernicious effects of bad example on the *minds* of youth will probably be acknowleged; but with a view to *improvement*, it is indiſpenſably neceſſary that the teachers ſhould poſſeſs good breeding and agreeable manners. In order to give full effect to inſtructions, it is requiſite that they ſhould proceed from a man who is loved and reſpected. But a low bred clown, or moroſe tyrant, can command neither love nor reſpect; and that pupil who has no motive for application to books, but the fear of a rod, will not make a ſcholar.

The rod is often neceſſary in ſchool; eſpecially after the children have been accuſtomed to diſobedience and a licentious behavior at home. All government originates in families, and if neglected there, it will hardly exiſt in ſociety; but the want of it muſt be ſupplied by the rod in ſchool, the penal laws of the ſtate, and the terrors of divine wrath from the pulpit. The government both of families and ſchools ſhould be abſolute. There ſhould, in families, be no appeal from one parent to another, with the proſpect of pardon for offences. The one ſhould always vindicate, at leaſt apparently, the conduct of the other. In ſchools the maſter ſhould be abſolute in command; for it is utterly impoſſible for any man to ſupport order and diſcipline among children, who are indulged with an appeal to their parents. A proper ſubordination in families would generally ſuperſede the neceſſity of ſeverity in ſchools; and a ſtrict diſcipline in both is the beſt foundation of good order in political ſociety.

If parents ſhould ſay, "we cannot give the inſtructors of our children unlimited authority over them, for it may be abuſed and our children injured;" I would anſwer, they muſt not place them under the direction of any man, in whoſe temper, judgement and abilities, they do not repoſe perfect confidence. The teacher ſhould be, if ſuch can be found, as judicious and reaſonable a man as the parent.

There can be little improvement in ſchools, without ſtrict ſubordination; there can be no ſubordination, without

without principles of eſteem and reſpect in the pupils; and the pupils cannot eſteem and reſpect a man who is not in himſelf reſpectable, and who is not treated with reſpect by their parents. It may be laid down as an invariable maxim, that a perſon is not fit to ſuperintend the Education of children, who has not the qualifications which will command the eſteem and reſpect of his pupils. This maxim is founded on a truth which every perſon may have obſerved; that children always *love* an *amiable* man, and always *eſteem* a *reſpectable* one. Men and women have their paſſions, which often rule their judgement and their conduct. They have their caprices, their intereſts and their prejudices, which at times incline them to treat the moſt meritorious characters with diſreſpect. But children, artleſs and unſuſpecting, reſign their hearts to any perſon whoſe manners are agreeable, and whoſe conduct is reſpectable. Whenever, therefore, pupils ceaſe to reſpect their teacher, he ſhould be inſtantly diſmiſſed.

Reſpect for an inſtructor will often ſupply the place of a rod of correction. The pupil's attachment will lead him to cloſe attention to his ſtudies; he fears not the *rod* ſo much as the *diſpleaſure* of his teacher; he waits for a ſmile, or dreads a frown; he receives his inſtructions and copies his manners. This generous principle, the fear of offending, will prompt youth to exertions; and inſtead of ſeverity on the one hand, and of ſlaviſh fear, with reluctant obedience on the other, mutual eſteem, reſpect and confidence ſtrew flowers in the road to knowlege.

With reſpect to morals and civil ſociety, the other view in which I propoſed to treat this ſubject, the effects of Education are ſo certain and extenſiv, that it behooves every parent and guardian to be particularly attentiv to the characters of the men, whoſe province it is to form the minds of youth.

From a ſtrange inverſion of the order of nature, the cauſe of which it is not neceſſary to unfold, the moſt important buſineſs in civil ſociety, is, in many parts of America, committed to the moſt worthleſs characters.

The Education of youth, an employment of more conſequence than making laws and preaching the goſpel, becauſe it lays the foundation on which both law and goſpel reſt for ſucceſs; this Education is ſunk to a level with the moſt menial ſervices. In moſt inſtances we find the higher ſeminaries of learning intruſted to men of good characters, and poſſeſſed of the moral virtues and ſocial affections. But many of our inferior ſchools, which, ſo far as the heart is concerned, are as important as colleges, are kept by men of no breeding, and many of them, by men infamous for the moſt deteſtable vices.* Will this be denied? will it be denied, that before the war, it was a frequent practice for gentlemen to

* How different this practice from the manner of educating youth in Rome, during the flouriſhing ages of the republic! There the attention to children commenced with their birth; an infant was not educated in the cottage of a hireling nurſe, but in the very boſom of its mother, whoſe principal praiſe was, that ſhe ſuperintended her family. Parents were careful to chooſe ſome aged matron to take care of their children; to form their firſt habits of ſpeaking and acting; to watch their growing paſſions, and direct them to their proper objects; to guard them from all immodeſt ſports, preſerve their minds innocent, and direct their attention to liberal purſuits.

"—Filius—non in cella emptæ nutricis ſed gremio ac ſinu matris educabatur, cujus præcipua laus, tueri domum, et inſervire liberis. Eligebatur autem aliqua major natu propinqua, cujus probatis ſpectatiſque moribus, omnis cujuſpiam familiæ ſoboles committeretur, coram qua neque dicere fas erat quod turpe dictu, neque facere quod inhoneſtum factu videretur. Ac non ſtudia modo curaſque, ſed remiſſiones etiam luſusque puerorum, ſanctitate quadam ac verecundia temperabat." In this manner were educated the Gracchi, Cæſar, and other celebrated Romans. "Quæ diſciplina ac ſeveritas eo pertinebat, ut ſincera et intergra et nullis pravitatibus detorta unius cujuſque natura, toto ſtatem pectore, arriperet artes honeſtas." ——*Tacitus de Orat. Dial.* 28.

The hiſtorian then proceeds to mention the corruption of manners, and the vicious mode of Education, in the later ages of Rome. He ſays, children were committed to ſome maid, with the vileſt ſlaves; with whom they were initiated in their low converſation and manners. "Horum fabulis et erroribus teneri ſtatim et rudes animi imbuuntur; nec quis quam in toto domo penſi habet, quid coram infante domino aut dicat aut faciat."——*Ibm.* 29.

to purchaſe convicts, who had been tranſported for their crimes, and employ them as private tutors in their families?

Gracious Heavens! Muſt the wretches, who have forfeited their lives, and been pronounced unworthy to be inhabitants of a *foreign* country, be entruſted with the Education, the morals, the character of *American* youth?

Will it be denied that many of the inſtructors of youth, whoſe examples and precepts ſhould form their minds for good men and uſeful citizens, are often found to ſleep away, in ſchool, the fumes of a debauch, and to ſtun the ears of their pupils with frequent blaſphemy? It is idle to ſuppreſs ſuch truths; nay more, it is wicked. The practice of employing low and vicious characters to direct the ſtudies of youth, is, in a high degree, criminal; it is deſtructive of the order and peace of ſociety; it is treaſon againſt morals, and of courſe, againſt government; it ought to be arraigned before the tribunal of reaſon, and condemned by all intelligent beings. The practice is ſo exceedingly abſurd, that it is ſurpriſing it could ever have prevailed among rational people. Parents wiſh their children to be *well bred*, yet place them under the care of *clowns*. They wiſh to ſecure their hearts from *vicious principles* and *habits*, yet commit them to the care of men of the moſt *profligate lives*. They wiſh to have their children taught *obedience* and *reſpect* for ſuperiors, yet give them a maſter that both parents and children *deſpiſe*. A practice ſo glaringly abſurd and irrational has no name in any language! Parents themſelves will not aſſociate with the men, whoſe company they *oblige* their children to keep, even in that moſt important period, when habits are forming for life.*

Are

* The practice of employing low characters in ſchools is not novel—Aſcham, preceptor to Queen Elizabeth, gives us the following account of the practice in his time. "Pity it is that commonly more care is had; yea and that among very wiſe men, to find out rather a cunning man for their horſe, than a cunning man for their children. They ſay, nay, in word; but

Are parents and guardians ignorant, that children always imitate thoſe with whom they live or aſſociate? That a boy, bred in the woods, will be a ſavage? That another, bred in the army, will have the manners of a ſoldier? That a third, bred in a kitchen, will ſpeak the language, and poſſeſs the ideas, of ſervants? And that a fourth, bred in genteel company, will have the manners of a gentleman? We cannot believe that many people are ignorant of theſe truths. Their conduct therefore can be aſcribed to nothing but inattention or fear of expenſe. It is perhaps literally true, that a wild life among ſavages is preferable to an Education in a kitchen, or under a drunken tutor; for ſavages would leave the mind uncorrupted with the vices, which reign among ſlaves and the depraved part of civilized nations. It is therefore a point of infinite importance to ſociety, that youth ſhould not aſſociate with perſons whoſe manners they ought not to imitate; much leſs ſhould they be doomed to paſs the moſt ſuſceptable period of life, with clowns, profligates and ſlaves.

There are people ſo ignorant of the conſtitution of our natures, as to declare, that young people ſhould ſee vices and their conſequences, that they may learn to

they do ſo, in deed. For to one they will give a ſtipend of two hundred crowns, and loth to offer the other two hundred ſhillings. God, that ſitteth in the Heaven, laugheth their choice to ſcorn and rewardeth their liberality as it ſhould: for he ſuffereth them to have *tame* and *well ordered horſes*; but *wild* and *unfortunate children*: and therefore in the end they find more pleaſure in their horſe, than comfort in their child."

This is *old language*, but the facts ſtated are *modern truths*. The barbarous Gothic practice has ſurvived all the attacks of common ſenſe, and in many parts of America, a gentleman's groom is on a level with his ſchoolmaſter, in point of reputation. But hear another authority for the practice in England.

"As the caſe now ſtands, thoſe of the firſt quality pay their *tutors* but little above half ſo much as they do their *footmen*."—*Guardian*, No. 94.

"'Tis monſtrous indeed that men of the beſt eſtates and families are more ſolicitous about the tutelage of a favorite *dog* or *horſe*, than of their *heirs male*."—*Ibid.*

to deteſt and ſhun them. Such reaſoning is like that of the novel writers, who attempt to defend their delineations of abandoned characters; and that of ſtage players, who would vindicate the obſcene exhibitions of a theater; but the reaſoning is totally falſe.* Vice always ſpreads by being publiſhed; young people are taught many vices by fiction, books or public exhibitions; vices, which they never would have known, had they never read ſuch books or attended ſuch public places. Crimes of all kinds, vices, judicial trials neceſſarily obſcene, and infamous puniſhments, ſhould, if poſſible, be concealed from the young. An examination in a court of juſtice may teach the tricks of a knave, the arts of a thief, and the evaſions of hackneyed offenders, to a dozen young culprits, and even tempt thoſe who have never committed a crime, to make a trial of their ſkill. A newſpaper may ſpread crimes; by communicating to a nation the knowlege of an ingenious trick of villainy, which, had it been ſuppreſſed, might have died with its firſt inventor. It is not true that the effects of vice and crimes deter others from the practice; except when rarely ſeen. On the other hand, frequent exhibitions either ceaſe to make any impreſſions on the minds of ſpectators, or elſe reconcile them to a courſe of life, which at firſt was diſagreeable.

> "Vice is a monſter of ſo frightful mein,
> As to be hated, needs but to be ſeen;
> Yet ſeen too oft, familiar with her face,
> We firſt endure, then pity, then embrace."

For theſe reaſons, children ſhould keep the beſt of company, that they might have before them the beſt manners, the beſt breeding, and the beſt converſation. Their minds ſhould be kept untainted, till their reaſoning faculties have acquired ſtrength, and the good principles which may be planted in their minds, have taken deep root. They will then be able to make a firm and

* The fact related by Juſtin, of an ancient people, will apply univerſally. "Tanto plus in illis proficit victiorum ignoratio, quam in his cognitio virtutis." An ignorance of vice has a better effect, than a knowlege of virtue.

and probably a ſucceſsful reſiſtance, againſt the attacks of ſecret corruption and brazen libertiniſm.

Our legiſlators frame laws for the ſuppreſſion of vice and immorality; our divines thunder, from the pulpit, the terrors of infinite wrath, againſt the vices that ſtain the characters of men. And do laws and preaching effect a reformation of manners? Experience would not give a very favorable anſwer to this inquiry. The reaſon is obvious; the attempts are directed to the wrong objects. Laws can only check the public effects of vicious principles; but can never reach the principles themſelves; and preaching is not very intelligible to people, till they arrive at an age when their principles are rooted, or their habits firmly eſtabliſhed. An attempt to eradicate old habits, is as abſurd, as to lop off the branches of a huge oak, in order to root it out of a rich ſoil. The moſt that ſuch clipping will effect, is to prevent a further growth.

The only practicable method to reform mankind, is to begin with children; to baniſh, if poſſible, from their company, every low bred, drunken, immoral character. Virtue and vice will not grow together in a great degree, but they will grow where they are planted, and when one has taken root, it is not eaſily ſupplanted by the other. The great art of correcting mankind therefore, conſiſts in prepoſſeſſing the mind with good principles.

For this reaſon ſociety requires that the Education of youth ſhould be watched with the moſt ſcrupulous attention. Education, in a great meaſure, forms the moral characters of men, and morals are the baſis of government.* Education ſhould therefore be the firſt care of a Legiſlature; not merely the inſtitution of ſchools, but the furniſhing of them with the beſt men for teachers. A good ſyſtem of Education ſhould be the firſt article in the code of political regulations; for it is much eaſier to introduce and eſtabliſh an effectual ſyſtem for preſerving morals, than to correct, by penal ſtatutes,

* Plus ibi boni mores valent, quam alibi bonæ leges.
Tac. de Mor. Germ. 19.

ſtatutes, the ill effects of a bad ſyſtem. I am ſo fully perſuaded of this, that I ſhall almoſt adore that great man, who ſhall change our practice and opinions, and make it reſpectable for the firſt and beſt men to ſuperintend the Education of youth.

Another defect in our ſchools, which, ſince the revolution, is become inexcuſeable, is the want of proper books. The collections which are now uſed conſiſt of eſſays that reſpect foreign and ancient nations. The minds of youth are perpetually led to the hiſtory of Greece and Rome or to Great Britain; boys are conſtantly repeating the declamations of Demoſthenes and Cicero, or debates upon ſome political queſtion in the Britiſh Parliment. Theſe are excellent ſpecimens of good ſenſe, poliſhed ſtile and perfect oratory; but they are not intereſting to children. They cannot be very uſeful, except to young gentlemen who want them as models of reaſoning and eloquence, in the pulpit or at the bar.

But every child in America ſhould be acquainted with his own country. He ſhould read books that furniſh him with ideas that will be uſeful to him in life and practice. As ſoon as he opens his lips, he ſhould rehearſe the hiſtory of his own country; he ſhould liſp the praiſe of liberty, and of thoſe illuſtrious heroes and ſtateſmen, who have wrought a revolution in her favor.

A ſelection of eſſays, reſpecting the ſettlement and geography of America; the hiſtory of the late revolution and of the moſt remarkable characters and events that diſtinguiſhed it, and a compendium of the principles of the federal and provincial governments, ſhould be the principal ſchool book in the United States. Theſe are intereſting objects to every man; they call home the minds of youth and fix them upon the intereſts of their own country, and they aſſiſt in forming attachments to it, as well as in enlarging the underſtanding.

"It is obſerved by the great Monteſquieu, that the laws of education ought to be relative to the principles of the government."* In

* Spirit of Laws. Book 4.

In deſpotic governments, the people ſhould have little or no education, except what tends to inſpire them with a ſervile fear. Information is fatal to deſpotiſm.

In monarchies, education ſhould be partial, and adapted to the rank of each claſs of citizens. But "in a republican government," ſays the ſame writer, "the whole power of education is required." Here every claſs of people ſhould *know* and *love* the laws. This knowlege ſhould be diffuſed by means of ſchools and newſpapers; and an attachment to the laws may be formed by early impreſſions upon the mind.

Two regulations are eſſential to the continuance of republican governments: 1. Such a diſtribution of lands and ſuch principles of deſcent and alienation, as ſhall give every citizen a power of acquiring what his induſtry merits.* 2. Such a ſyſtem of education as gives every citizen an opportunity of acquiring knowlege and fitting himſelf for places of truſt. Theſe are fundamental articles; the *ſine qua non* of the exiſtence of the American republics.

Hence the abſurdity of our copying the manners and adopting the inſtitutions of Monarchies.

In ſeveral States, we find laws paſſed, eſtabliſhing proviſion for colleges and academies, where people of property may educate their ſons; but no proviſion is made for inſtructing the poorer rank of people, even in reading and writing. Yet in theſe ſame States, every citizen who is worth a few ſhillings annually, is entitled to vote for legiſlators.† This appears to me a moſt glaring ſoleciſm in government. The conſtitutions are *republican*, and the laws of education are *monarchical*. The *former* extend civil rights to every honeſt induſtrious man; the *latter* deprive a large proportion of the citizens of a moſt valuable privilege.

In our American republics, where governments is in

* The power of entailing real eſtates is repugnant to the ſpirit of our American governments.

† I have known inſtructions from the inhabitants of a county, two thirds of whom could not write their names. How competent muſt ſuch men be to decide an important point in legiſlation!

in the hands of the people, knowlege ſhould be univerſally diffuſed by means of public ſchools. Of ſuch conſequence is it to ſociety, that the people who make laws, ſhould be well informed, that I conceive no Legiſlature can be juſtified in neglecting proper eſtabliſhments for this purpoſe.

When I ſpeak of a diffuſion of knowlege, I do not mean merely a knowlege of ſpelling books, and the New Teſtament. An acquaintance with ethics, and with the general principles of law, commerce, money and government, is neceſſary for the yeomanry of a republican ſtate. This acquaintance they might obtain by means of books calculated for ſchools, and read by the children, during the winter months, and by the circulation of public papers.

"In Rome it was the common exerciſe of boys at ſchool, to learn the laws of the twelve tables by heart, as they did their poets and claſſic authors."* What an excellent practice this in a free government!

It is ſaid, indeed by many, that our common people are already too well informed. Strange paradox! The truth is, they have too much knowlege and ſpirit to reſign their ſhare in government, and are not ſufficiently informed to govern themſelves in all caſes of difficulty.

There are ſome acts of the American legiſlatures which aſtoniſh men of information; and blunders in legiſlation are frequently aſcribed to bad intentions. But if we examin the men who compoſe theſe legiſlatures, we ſhall find that wrong meaſures generally proceed from ignorance either in the men themſelves, or in their conſtituents. They often miſtake their own intereſt, becauſe they do not foreſee the remote conſequences of a meaſure.

It may be true that all men cannot be legiſlators; but the more generally knowlege is diffuſed among the ſubſtantial yeomanry, the more perfect will be the laws of a republican ſtate.

Every ſmall diſtrict ſhould be furniſhed with a ſchool, at leaſt four months in a year; when boys are not otherwiſe

* Middleton's life of Cicero, volume 1, page 14.

erwiſe employed. This ſchool ſhould be kept by the moſt reputable and well informed man in the diſtrict. Here children ſhould be taught the uſual branches of learning; ſubmiſſion to ſuperiors and to laws; the moral or ſocial duties; the hiſtory and tranſactions of their own country; the principles of liberty and government. Here the rough manners of the wilderneſs ſhould be ſoftened, and the principles of virtue and good behaviour inculcated. The *virtues* of men are of more conſequence to ſociety than their *abilities*; and for this reaſon, the *heart* ſhould be cultivated with more aſſiduity than the *head*.

Such a general ſyſtem of education is neither impracticable nor difficult; and excepting the formation of a federal government that ſhall be efficient and permanent, it demands the firſt attention of American patriots. Until ſuch a ſyſtem ſhall be adopted and purſued; until the Stateſman and Divine ſhall unite their efforts in *forming* the human mind, rather than in loping its excreſſences, after it has been neglected; until Legiſlators diſcover that the only way to make good citizens and ſubjects, is to nouriſh them from infancy; and until parents ſhall be convinced that the *worſt* of men are not the proper teachers to make the *beſt*; mankind cannot know to what a degree of perfection ſociety and government may be carried. America affords the faireſt opportunities for making the experiment, and opens the moſt encouraging proſpect of ſucceſs.*

In

* It is worthy of remark, that in proportion as laws are favorable to the equal rights of men, the number of crimes in a ſtate is diminiſhed; except where the human mind is debaſed by extreme ſervitude, or by ſuperſtition. In France, there are but few crimes; religion and the rigor of a military force prevent them; perhaps alſo, ignorance in the peaſantry may be aſſigned as another reaſon. But in England and Ireland the human mind is not ſo depreſſed, yet the diſtribution of property and honors is not equal; the lower claſſes of people, bold and independent, as well as poor, feel the injuries which flow from the feudal ſyſtem, even in its relaxed ſtate; they become deſperate, and turn highwaymen. Hence thoſe kingdoms produce more culprits than half Europe beſides.

The

In a ſyſtem of education, that ſhould embrace every part of the community, the female ſex claim no inconſiderable ſhare of our attention.

The women in America (to their honor it is mentioned) are not generally above the care of educating their own children. Their own education ſhould therefore enable them to implant in the tender mind, ſuch ſentiments of virtue, propriety and dignity, as are ſuited to the freedom of our governments. Children ſhould be treated as children, but as children that are, in a future time, to be men and women. By treating them as if they were always to remain children, we very often ſee their childiſhneſs adhere to them, even in middle life. The ſilly language called *baby talk*, in which moſt perſons are initiated in infancy, often breaks out in diſcourſe, at the age of forty, and makes a man appear very ridiculous.* In the ſame manner, vulgar, obſcene and illiberal ideas, imbibed in a nurſery or a kitchen, often give a tincture to the conduct through life. In order to prevent every evil bias, the ladies, whoſe province it is to direct the inclinations of children on their firſt appearance, and to chooſe their nurſes, ſhould be poſſeſſed, not only of amiable manners, but of juſt ſentiments and enlarged underſtandings.

But the influence of women in forming the diſpoſitions

The character of the Jews, as ſharpers, is derived from the cruel and villanous proſcriptions, which they have ſuffered from the bigotry of Chriſtians in every part of Europe.

Moſt of the criminals condemned in America are foreigners. The execution of a native, before the revolution, was a novelty. The diſtribution of property in America and the principles of government favor the rights of men; and but few men will commence enemies to ſociety and government, if they can receive the benefits of them. Unjuſt governments and tyrannical diſtinctions have made moſt of the villains that ever exiſted.

* It has been already obſerved that a child always imitates what he ſees and hears: For this reaſon, he ſhould hear no language which is not correct and decent. Every word ſpoken to a child, ſhould be pronounced with clearneſs and propriety. Baniſh from children all diminutive words, all whining and all bad grammar. A boy of ſix years old may be taught to ſpeak as correctly, as Cicero did before the Roman Senate.

tions of youth, is not the ſole reaſon why their education ſhould be particularly guarded; their influence in controling the manners of a nation, is another powerful reaſon. Women, once abandoned, may be inſtrumental in corrupting ſociety; but ſuch is the delicacy of the ſex, and ſuch the reſtraints which cuſtom impoſes upon them, that they are generally the laſt to be corrupted. There are innumerable inſtances of men, who have been reſtrained from a vicious life, and even of very abandonded men, who have been reclaimed, by their attachment to ladies of virtue. A fondneſs for the company and converſation of ladies of character, may be conſidered as a young man's beſt ſecurity againſt the attractives of a diſſipated life. A man who is attached to *good* company, ſeldom frequents that which is *bad*. For this reaſon, ſociety requires that females ſhould be well educated, and extend their influence as far as poſſible over the other ſex.

But a diſtinction is to be made between a *good* education, and a *ſhowy* one; for an education, merely ſuperficial, is a proof of corruption of taſte, and has a miſchievous influence on manners. The education of females, like that of males, ſhould be adapted to the principles of the government, and correſpond with the ſtage of ſociety. Education in Paris differs from that in Peterſburg, and the education of females in London or Paris ſhould not be a model for the Americans to copy.

In all nations a *good* education, is that which renders the ladies correct in their manners, reſpectable in their families, and agreeable in ſociety. That education is always *wrong*, which raiſes a woman above the duties of her ſtation.

In America, female education ſhould have for its object what is *uſeful*. Young ladies ſhould be taught to ſpeak and write their own language with purity and elegance; an article in which they are often deficient. The French language is not neceſſary for ladies. In ſome caſes it is convenient, but, in general, it may be conſidered as an article of luxury. As an accompliſh-

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ment, it may be ſtudied by thoſe whoſe attention is not employed about more important concerns.

Some knowlege of arithmetic is neceſſary for every lady. Geography ſhould never be neglected. Belles Letters learning ſeems to correſpond with the diſpoſitions of moſt females. A taſte for Poetry and fine writing ſhould be cultivated; for we expect the moſt delicate ſentiments from the pens of that ſex, which is poſſeſſed of the fineſt feelings.

A courſe of reading can hardly be preſcribed for all ladies. But it ſhould be remarked, that this ſex cannot be too well acquainted with the writers upon human life and manners. The Spectator ſhould fill the firſt place in every lady's library. Other volumes of periodical papers, tho inferior to the Spectator, ſhould be read; and ſome of the beſt hiſtories.

With reſpect to novels, ſo much admired by the young, and ſo generally condemned by the old, what ſhall I ſay? Perhaps it may be ſaid with truth, that ſome of them are uſeful, many of them pernicious, and moſt of them trifling. A hundred volumes of modern novels may be read, without acquiring a new idea. Some of them contain entertaining ſtories, and where the deſcriptions are drawn from nature, and from characters and events in themſelves innocent, the peruſal of them may be harmleſs.

Were novels written with a view to exhibit only one ſide of human nature, to paint the ſocial virtues, the world would condemn them as defective: But I ſhould think them more perfect. Young people, eſpecially females, ſhould not ſee the vicious part of mankind. At beſt novels may be conſidered as the toys of youth; the rattle boxes of ſixteen. The mechanic gets his pence for his toys, and the novel writer, for his books; and it would be happy for ſociety, if the latter were in all caſes as innocent play things as the former.

In the large towns in America, muſic, drawing and dancing, conſtitute a part of female education. They, however, hold a ſubordinate rank; for my fair friends will pardon me, when I declare, that no man ever marries a woman for her performance on a harpſichord, or

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her figure in a minuet. However ambitious a woman may be to command admiration *abroad*, her real merit is known only at *home*. Admiration is uſeleſs, when it is not ſupported by domeſtic worth. But real honor and permanent eſteem, are always ſecured by thoſe who preſide over their own families with dignity.*

Before I quit this ſubject, I beg leave to make ſome remarks on a practice which appears to be attended with important conſequences; I mean that of ſending boys to Europe for an education, or ſending to Europe for teachers This was right before the revolution; at leaſt

* Nothing can be more fatal to domeſtic happineſs in America, than a taſte for copying the luxurious manners and amuſements of England and France. Dancing, drawing and muſic, are principal articles of education in thoſe kingdoms; therefore every girl in America muſt paſs two or three years at a boarding ſchool, tho her father cannot give her a farthing when ſhe marries. This ambition to educate females above their fortunes pervades every part of America. Hence the diſproportion between the well bred females and the males in our large towns. A mechanic or ſhopkeeper in town, or a farmer in the country, whoſe ſons get their living by their father's employments, will ſend their daughters to a boarding ſchool, where their ideas are elevated, and their views carried above a connexion with men in thoſe occupations. Such an education, without fortune or beauty, may poſſibly pleaſe a girl of fifteen, but muſt prove her greateſt misfortune. This fatal miſtake is illuſtrated in every large town in America. In the country, the number of males and females, is nearly equal; but in towns, the number of genteelly bred women is greater than of men; and in ſome towns, the proportion is, as three to one.

The heads of young people of both ſexes are often turned by reading deſcriptions of ſplendid living, of coaches, of plays, and other amuſements. Such deſcriptions excite a deſire to enjoy the ſame pleaſures. A fortune becomes the principal object of purſuit; fortunes are ſcarce in America, and not eaſily acquired; diſappointment ſucceeds, and the youth who begins life with expecting to enjoy a coach, cloſes the proſpect with a ſmall living, procured by labor and economy.

Thus a wrong education, and a taſte for pleaſures which our fortune will not enable us to enjoy, often plunge the Americans into diſtreſs, or at leaſt prevent early marriages. Too fond of ſhow, of dreſs and expenſe, the ſexes wiſh to pleaſe each other; they miſtake the means, and both are diſappointed.

leaſt ſo far as national attachments where concerned; but the propriety of it ceaſed with our political relation to Great Britain.

In the firſt place, our honor as an independent nation is concerned in the eſtabliſhment of literary inſtitutions, adequate to all our own purpoſes; without ſending our youth abroad, or depending on other nations for books and inſtructors. It is very little to the reputation of America to have it ſaid abroad, that after the heroic atchievements of the late war, theſe independent people are obliged to ſend to Europe for men and books to teach their children A B C.

But in another point of view, a foreign education is directly oppoſite to our political intereſts, and ought to be diſcountenanced, if not prohibited.

Every perſon of common obſervation will grant, that moſt men prefer the manners and the government of that country where they are educated. Let ten American youths be ſent, each to a different European kingdom, and live there from the age of twelve to twenty, and each will give the preference to the country where he has reſided.

The period from twelve to twenty is the moſt important in life. The impreſſions made before that period are commonly effaced; thoſe that are made during that period *always* remain for many years, and *generally* thro life.

Ninety nine perſons of a hundred who paſs that period in England or France, will prefer the people, their manners, their laws, and their government, to thoſe of their nativ country. Such attachments are injurious, both to the happineſs of the men, and to the political intereſts of their own country. As to private happineſs, it is univerſally known how much pain a man ſuffers by a change of habits in living. The cuſtoms of Europe are and ought to be different from ours; but when a man has been bred in one country, his attachments to its manners make them, in a great meaſure, neceſſary to his happineſs. On changing his reſidence, he muſt therefore break his former habits, which is always a painful

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ſacrifice; or the diſcordance between the manners of his own country, and his habits, muſt give him inceſſant uneaſineſs; or he muſt introduce, into a circle of his friends, the manners in which he was educated. Theſe conſequences may follow, and the laſt, which is inevitable, is a public injury. The refinement of manners in every country ſhould keep pace exactly with the increaſe of its wealth; and perhaps the greateſt evil America now feels is, an improvement of taſte and manners which its wealth cannot ſupport.

A foreign education is the very ſource of this evil; it gives young gentlemen of fortune a reliſh for manners and amuſements which are not ſuited to this country; which however, when introduced by this claſs of people, will always become faſhionable.

But a corruption of manners is not the ſole objection to a foreign education: An attachment to a *foreign* government, or rather a want of attachment to our *own*, is the natural effect of a reſidence abroad, during the period of youth. It is recorded of one of the Greek cities, that in a treaty with their conquerors, it was required that they ſhould give a certain number of *male children* as hoſtages for the fulfilment of their engagements. The Greeks abſolutely refuſed, on the principle that theſe children would imbibe the ideas and embrace the manners of foreigners, or loſe their love for their own country: But they offered the ſame number of *old* men, without heſitation. This anecdote is full of good ſenſe. A man ſhould always form his habits and attachments in the country where he is to reſide for life. When theſe habits are formed, young men may travel without danger of loſing their patriotiſm. A boy who lives in England from twelve to twenty, will be an *Engliſhman* in his manners and his feelings; but let him remain at home till he is twenty, and form his attachments, he may then be ſeveral years abroad, and ſtill be an *American*.* There may be exceptions to this obſervation; but living

* Cicero was twenty eight years old when he left Italy to travel into Greece and Aſia. "He did not ſtir abroad," ſays Dr.

living examples may be mentioned to prove the truth of the general principle here advanced, reſpecting the influence of habit.

It may be ſaid that foreign univerſities furniſh much better opportunities of improvement in the ſciences than the American. This may be true, and yet will not juſtify the practice of ſending young lads from their own country. There are ſome branches of ſcience which may be ſtudied to much greater advantage in Europe than in America, particularly chymiſtry. When theſe are to be acquired, young gentlemen ought to ſpare no pains to attend the beſt profeſſors. It may, therefore, be uſeful, in ſome caſes, for ſtudents to croſs the atlantic to *complete* a courſe of ſtudies; but it is not neceſſary for them to go early in life, nor to continue a long time. Such inſtances need not be frequent even now; and the neceſſity for them will diminiſh in proportion to the future advancement of literature in America.

It is, however, much queſtioned, whether, in the ordinary courſe of ſtudy, a young man can enjoy greater advantages

Dr. Middleton, "till he had completed his education at home; for nothing can be more pernicious to a nation, than the neceſſity of a foreign one."—*Life of Cicero, vol. 1. p. 48.*

Dr. Moore makes a remark preciſely in point. Speaking of a foreign education, propoſed by a certain Lord, who objected to the public ſchools in England, he ſays, "I have attended to his Lordſhip's objections, and after due conſideration, and weighing every circumſtance, I remain of opinion, that no country but Great Britain is proper for the education of a Britiſh ſubject, who propoſes to paſs his life in his own country. The moſt important point, in my mind, to be ſecured in the education of a young man of rank of our country, is to make him an Engliſhman; and this can be done no where ſo effectually as in England." See his *View of Society and Manners*, &c. vol. 1, page 197, where the reader will find many judicious remarks upon this ſubject. The following are too pertinent to be omitted.—"It is thought, that by an early foreign education, all ridiculous Engliſh prejudices, will be avoided. This may be true; but other prejudices, perhaps as ridiculous, and much more detrimental, will be formed. The firſt cannot be attended with many inconveniencies; the ſecond may render the young people unhappy in their own country when they return, and diſagreeable to their countrymen all the reſt of their lives." Theſe remarks, by a change of names are applicable to America.

advantages in Europe than in America. Experience inclines me to raiſe a doubt, whether the danger to which a youth muſt be expoſed among the ſons of diſſipation abroad, will not turn the ſcale in favor of our American colleges. Certain it is, that four fifths of the great literary characters in America never croſſed the atlantic.

But if our univerſities and ſchools are not ſo good as the Engliſh or Scotch, it is the buſineſs of our rulers to improve them, not to endow them merely; for endowments alone will never make a flouriſhing ſeminary; but to furniſh them with profeſſors of the firſt abilities and moſt aſſiduous application, and with a complete apparatus for eſtabliſhing theories by experiments. Nature has been profuſe to the Americans, in genius, and in the advantages of climate and ſoil. If this country, therefore, ſhould long be indebted to Europe for opportunities of acquiring any branch of ſcience in perfection, it muſt be by means of a criminal neglect of its inhabitants.

The difference in the nature of the American and European governments, is another objection to a foreign education. Men form modes of reaſoning, or habits of thinking on political ſubjects, in the country where they are bred; theſe modes of reaſoning may be founded on fact in all countries; but the ſame principles will not apply in all governments, becauſe of the infinite variety of national opinions and habits. Before a man can be a good Legiſlator, he muſt be intimately acquainted with the temper of the people to be governed. No man can be thus acquainted with a people, without reſiding amongſt them and mingling with all companies. For want of this acquaintance, a Turgot and a Price may reaſon moſt abſurdly upon the Conſtitutions of the American ſtates; and when any perſon has been long accuſtomed to believe in the propriety or impropriety of certain maxims or regulations of government, it is very difficult to change his opinions, or to perſuade him to adapt his reaſoning to new and different circumſtances.

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One half the European Proteſtants will now contend that the Roman Catholic religion is ſubverſive of civil government. Tradition, books, education, have concurred to fix this belief in their minds; and they will not reſign their opinions, even in America, where ſome of the higheſt civil offices are in the hands of Roman Catholics.

It is therefore of infinite importance that thoſe who direct the councils of a nation, ſhould be educated in that nation. Not that they ſhould reſtrict their perſonal acquaintance to their own country, but their firſt ideas, attachments and habits ſhould be acquired in the country which they are to govern and defend. When a knowlege of their own country is obtained, and an attachment to its laws and intereſts deeply fixed in their hearts, then young gentlemen may travel with infinite advantage and perfect ſafety. I wiſh not therefore to diſcourage travelling, but, if poſſible, to render it more uſeful to individuals and to the community. My meaning is, that *men* ſhould travel, and not *boys*.

It is time for the Americans to change their uſual route, and travel thro a country which they never think of, or think beneeth their notice: I mean the United States.

While theſe States were a part of the Britiſh Empire, our intereſt, our feelings, were thoſe of Engliſhmen; our dependence led us to reſpect and imitate their manners, and to look up to them for our opinions. We little thought of any national intereſt in America; and while our commerce and governments were in the hands of our parent country, and we had no common intereſt, we little thought of improving our acquaintance with each other, or of removing prejudices, and reconciling the diſcordant feelings of the inhabitants of different Provinces. But independence and union render it neceſſary that the citizens of different States ſhould know each others characters and circumſtances; that all jealouſies ſhould be removed; that mutual reſpect and confidence ſhould ſucceed, and a harmony of views and intereſts be cultivated by a friendly intercourſe.

A tour thro the United States ought now to be conſidered as a neceſſary part of a liberal education. Inſtead of ſending young gentlemen to Europe to view curioſities and learn vices and follies, let them ſpend twelve or eighteen months in examining the local ſituation of the different States; the rivers, the ſoil, the population, the improvements and commercial advantages of the whole; with an attention to the ſpirit and manners of the inhabitants, their laws, local cuſtoms and inſtitutions. Such a tour ſhould at leaſt precede a tour to Europe; for nothing can be more ridiculous than a man travelling in a foreign country for information, when he can give no account of his own. When, therefore, young gentlemen have finiſhed an academic education, let them travel thro America, and afterwards to Europe, if their time and fortunes will permit. But if they cannot make a tour thro both, that in America is certainly to be preferred; for the people of America, with all their information, are yet extremely ignorant of the geography, policy and manners of their neighbouring States. Except a few gentlemen whoſe public employments in the army and in Congreſs, have extended their knowlege of America, the people in this country, even of the higher claſſes, have not ſo correct information reſpecting the United States, as they have reſpecting England or France. Such ignorance is not only diſgraceful, but is materially prejudicial to our political friendſhip and federal operations.

Americans, unſhackle your minds, and act like independent beings. You have been children long enough, ſubject to the control, and ſubſervient to the intereſt of a haughty parent. You have now an intereſt of your own to augment and defend: You have an empire to raiſe and ſupport by your exertions, and a national character to eſtabliſh and extend by your wiſdom and virtues. To effect theſe great objects, it is neceſſary to frame a liberal plan of policy, and build it on a broad ſyſtem of education. Before this ſyſtem can be formed and embraced, the Americans muſt *believe*, and *act* from the belief, that it is diſhonorable to waſte life in mimicking the follies of other nations and baſking in the ſunſhine of foreign glory.

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[The following ſhould have been added, in a note, on page 5, after the ſecond paragraph.

In our colleges and univerſities, ſtudents read ſome of the ancient Poets and Orators; but the Hiſtorians, which are perhaps more valuable, are generally neglected. The ſtudent juſt begins to read Latin and Greek to advantage, then quits the ſtudy. Where is the ſeminary, in which the ſtudents read Herodotus, Thucydides, Xenophon, Polybius, Dionyſius Halicarnaſſeus, Livy, Velleius, Paterculus and Tacitus? How ſuperficial muſt be that learning, which is acquired in four years! Severe experience has taught me the errors and defects of what is called a liberal education. I could not read the beſt Greek and Roman authors while in college, without neglecting the eſtabliſhed claſſical ſtudies; and after I left college, I found time only to dip into books, that every ſcholar ſhould be maſter of; a circumſtance that often fills me with the deepeſt regret. "Quis enim ignorat et eloquentiam et cæteras artes deſciviſſe ab iſta vetere gloria, non inopia hominum, ſed deſidia juventutis, et negligentia parentum, et inſcientia præcipientium, et oblivione moris antiqui?—Nec in auctoribus cognoſcendis, nec in evolvenda antiquitate, nec in notitia vel rerum, vel hominum, vel temporum ſatis operæ inſumitur."—*Tacitus, de Orat. Dial.* 28. 29.]

No. II.

NEW YORK, 1788.

PRINCIPLES of GOVERNMENT *and* COMMERCE.

ALL mankind are, by nature, free, and have a right to enjoy life, liberty and property.

One perſon has no right to take from another his life, health, peace, or good name; to take away or leſſen his freedom of thinking and acting, or to injure his eſtate in the ſmalleſt degree.

A collection of individuals forms a *ſociety*; and every ſociety muſt have *government*, to prevent one man from hurting another, and to puniſh ſuch as commit crimes. Every perſon's ſafety requires that he ſhould ſubmit to be governed; for if one man may do harm without ſuffering puniſhment, every man has the ſame right, and no perſon can be ſafe.

It is neceſſary therefore that there ſhould be laws to control every man. Laws ſhould be made by conſent or concurrence of the greateſt part of the ſociety.

The whole body of people in ſociety is the ſovereign power or ſtate; which is called, the body politic. Every man forms a part of this ſtate, and ſo has a ſhare in the ſovereignty; at the ſame time, as an individual, he is a ſubject of the ſtate.

When a ſociety is large, the whole ſtate cannot meet together for the purpoſe of making laws; the people therefore agree to appoint deputies, or repreſentativs, to act for them. When theſe agents are choſen and met together, they repreſent the whole ſtate, and act as the ſovereign power. The people reſign their own authority to their repreſentativs; the acts of theſe deputies are in effect the acts of the people; and the people have no right to refuſe obedience.

It is as wrong to refuſe obedience to the laws made by our *repreſentativs*, as it would be to break laws made

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by *ourſelves*. If a law is bad and produces general harm, the people may appoint new deputies to repeal it; but while it is a law, it is the act and will of the ſovereign power, and ought to be obeyed.

The people in free governments, make their own laws by agents or repreſentativs, and appoint the executiv officers. An executiv officer is armed with the authority of the whole ſtate and cannot be reſiſted. He cannot do wrong, unleſs he goes beyond the bounds of the laws.

An executiv officer can hardly be too arbitrary; for if the laws are good, they ſhould be ſtrictly executed and religiouſly obeyed: If they are bad, the people can alter or repeal them; or if the officer goes beyond his powers, he is accountable to thoſe who appoint him. A neglect of good and wholeſome laws is the bane of ſociety.

Judges and all executiv officers ſhould be made as much as poſſible, independent of the will of the people at large. They ſhould be choſen by the repreſentativs of the people and anſwerable to them only: For if they are elected by the people, they are apt to be ſwayed by fear and affection; they may diſpenſe with the laws, to favor their friends, or ſecure their office. Beſides, their election is apt to occaſion party ſpirit, cabals, bribery and public diſorder. Theſe are great evils in a ſtate, and defeat the purpoſes of government.

The people have a right to adviſe their repreſentativs in certain caſes, in which they may be well informed. But this right cannot often be exerciſed with propriety or ſafety: Nor ſhould their inſtructions be binding on their repreſentativs: For the people, moſt of whom live remote from each other, cannot always be acquainted with the general intereſt of the ſtate; they cannot know all the reaſons and arguments which may be offered for, or againſt a meaſure, by people in diſtant parts of the ſtate; they cannot tell at home, how they *themſelves* would think and act, in a general aſſembly of *all* the citizens.

In this ſituation, if the people of a certain diſtrict, bind their repreſentativ to vote in a particular manner,

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they may bind him to do *wrong*. They make up their minds, upon a partial view of facts, and form a reſolution, which they themſelves, on a fair ſtate of all the facts, in the general aſſembly, might ſee reaſons to change. There have been inſtances, in which theſe binding, poſitiv inſtructions, have obliged a repreſentativ to give his vote, contrary to the conviction of his own mind and what he thought the good of the ſtate; conſequently his vote was a violation of his oath.

But the opinions of the people ſhould, if poſſible, be collected; for the general ſenſe of a nation is commonly right. When people are well informed, their general opinion is perhaps always right. But they may be uninformed or miſinformed and conſequently their meaſures may be repugnant to their own intereſt. This is often the caſe, with particular diſtricts of people; and hence the bad policy of giving binding inſtructions to repreſentativs. The ſenſe of a nation is collected by the opinions of people in particular diſtricts; but as ſome of theſe opinions may be wrong, a repreſentativ ſhould be left with diſcretionary powers to act for the good of the ſtate.

Repreſentativs are choſen by the inhabitants of certain diſtricts, becauſe this is moſt convenient: But when they act as lawgivers, they act for the whole ſtate. When a man is conſidering the propriety of a general meaſure, he is not to be influenced by the intereſt of a ſingle diſtrict or part of a ſtate; but by the collectiv intereſt of the whole ſtate. A good lawgiver will not aſk ſolely what is *my* intereſt, or the intereſt of *my* town or conſtituents? but, what will promote the intereſt of the community; '*what will produce the greateſt poſſible good, to the greateſt number of people?*'

When a legiſlativ body makes *laws*, it acts for *itſelf* only, and can alter or repeal the laws when they become inconvenient. But when it makes *grants* or *contracts*, it act as a party, and cannot take back its grant, or change the nature of its contracts, without the conſent of the other party. A ſtate has no more right to neglect or refuſe to fulfil its engagements, than an individual.

There

There may be an exception in the caſe of a grant, for if a ſtate has made a grant, which, contrary to its expectations, clearly endangers the ſafety of the community, it may reſume that grant. The public ſafety is a conſideration ſuperior to all others. But the danger muſt be great and obvious; it muſt be generally ſeen and felt, before the ſtate can be juſtified in recalling its grant. To take back a gift, or break a contract, for ſmall cauſes or ſlight inconveniencies, is a moſt wanton abuſe of power. Bargains, conveyances, and voluntary grants, where two parties are concerned, are *ſacred things*; they are the ſupports of ſocial confidence and ſecurity; they ought not to be ſported with, becauſe one party is ſtronger than the other; they ſhould be religiouſly obſerved.

As the ſtate has no right to break its own promiſes, ſo it has no right to alter the promiſes of individuals. When one man has engaged to pay his debt in whear, and his creditor expects the promiſe to be fulfiled, the legiſlature has no right to ſay, the debt ſhall be paid in flax or horſes. Such an act ſaps all the ſupports of good faith between man and man; it is the worſt kind of tyranny.

For this reaſon, all *tender laws*, which oblige a creditor to take, for his debt, ſome article which he never intended nor engaged to take, are highly *unjuſt* and *tyrannical*. The intention of the contracting parties ſhould be ſtrictly regarded; the ſtate may enforce that intention, but can never have a right to interfere and defeat it. A legiſlature has no right to put a bargain on any footing, but that on which the parties *have* placed it or *are willing* to place it.

If a ſtate is poor, and people owe more money than can be procured, a legiſlature may perhaps go ſo far as to ſuſpend the collection of debts; or to ordain that a certain part only of the debts ſhall be recoverable immediately, and the payment of the remainder ſuſpended. This may eaſe the debtors; but can be juſtified in extreme caſes only, when the people are generally and greatly involved.

A people ſhould not generally be in debt: The conſumers of goods ſhould not get credit. Heavy and numerous debts are great evils to a ſtate. If the people will giv and take extenſiv credit, the ſtate ſhould check their imprudence, by putting debts out of the protection of law. When it becomes a practice to collect debts by law, it is a proof of corruption and degeneracy among the people. Laws and courts are neceſſary to ſettle controverted points between man and man; but a man ſhould pay an acknowledged debt, not becauſe there is a law to oblige him, but becauſe it is *juſt* and *honeſt*, and becauſe he has PROMISED to pay it.

Money, or a medium in trade, is neceſſary in all great ſtates; but *too much* is a greater evil than *too little*. When people can get money without labor, they neglect buſineſs and become idle, prodigal and vicious; and when they have nothing but money, they are poor indeed. Spain was ruined by its mines of gold and ſilver in South America. That kingdom poſſeſſed all the money in Europe, and yet was the *pooreſt*; it will never be rich and flouriſhing, till its mines are exhauſted. The diſcovery of rich mines in this country, would be the greateſt misfortune, that can befall the United States.

Money is a mere repreſentativ of property; it is the *change* which facilitates trade. But the *wealth* of a country is its *produce*; and its ſtrength conſiſts in the number of its induſtrious inhabitants. A man cannot become rich, unleſs he earns more than he ſpends. It is the ſame with a country. The labouring men are the ſupport of a nation.

The value of money depends on the quantity in circulation. A medium of trade reſpects all commercial nations; and like water, it will find its level. Money will go where it is wanted, if the people have any thing to purchaſe it. If one ſtate or country has more money than another, it is a proof that the people are more induſtrious or ſaving. It would be happy for the world, if no more money could be made: There is already too much. Silver is become very burdenſome, merely becauſe there is too much in the world. If there were but

one

one quarter of the money which now circulates, one quarter of a dollar would buy as much as a dollar will now.

Hence the miſtaken policy of thoſe people who attempt to increaſe the medium of trade by coinage or by a paper currency. They can add to the quantity, as much as they pleaſe; but not to the value. If America were ſhut out from all intercourſe with other nations, and ten millions of dollars were circulating in the country, every article of life would have a certain price. If in this caſe, wheat ſhould be one dollar a buſhel, let the money be inſtantly doubled, the price of wheat would then be two dollars, and the price of every article would riſe in the ſame proportion. So that twenty millions of dollars would be worth no more than ten, becauſe they would buy no more of the uſeful commodities: America would be no richer in the one caſe than in the other.

But as there is a communication with other nations, a million of dollars, added to the circulating ſpecie, does not increaſe the permanent medium in quantity; for juſt ſo much money as is added, will leave the country. If there is too much money in a country, the price of labor will riſe, and the produce cannot find market abroad without a loſs. This was the caſe with American produce, at the cloſe of the war. If money is ſcarce in a country, the price of labor will be low, and conſequently the produce of that country will be cheap at home, and a great profit will be made on the exportation. This profit will be returned, partly in goods and partly in money, and the country is enriched.

But the great principle, which ſhould conſtitute the corner ſtone of government, is *public juſtice*. The fountain head ſhould be pure, or the ſtreams will be foul indeed. That Legiſlatures, or bodies politic, ſhould make laws, annex penalties for diſobedience, inſtitute courts for deciding controverſies and trying offenders, and execute puniſhments on thoſe that are convicted; yet at the ſame time neglect to do juſtice themſelves by paying their own debts; this is of all abſurdities the moſt

moſt glaring. To compel individuals to perform contracts and yet break their own ſolemn promiſes; to puniſh individuals for neglect, and yet ſet a general example of delinquency, is to undermine the foundation of ſocial confidence, and ſhake every principle of commutativ juſtice.

Theſe are general principles in government and trade, and ought to be deeply impreſſed upon the minds of every American.

No. III.

No. III.

NEW YORK, 1788.

BILLS *of* RIGHTS.

ONE of the principal objections to the new Federal Conſtitution, is, that it contains no *Bill of Rights*. This objection, I preſume to aſſert, is founded on ideas of government that are totally falſe. Men ſeem determined to adhere to old prejudices, and reaſon *wrong*, becauſe our anceſtors reaſoned *right*. A Bill of Rights againſt the encroachments of Kings and Barons, or againſt any power independent of the people, is perfectly intelligible; but a Bill of Rights againſt the encroachments of an elective Legiſlature, that is, againſt our *own* encroachments on *ourſelves*, is a curioſity in government.

The Engliſh nation, from which we deſcended, have been gaining their liberties, inch by inch, by forcing conceſſions from the crown and the Barons, during the courſe of ſix centuries.* *Magna Charta*, which is called the palladium of Engliſh liberty, was dated in 1215, and the people of England were not repreſented in Parliament till the year 1265. Magna Charta eſtabliſhed the rights of the Barons and clergy againſt the encroachments of royal perogativ; but the commons or people were hardly noticed in that deed. There was but one clauſe in their favor, which ſtipulated, that "no villain or ruſtic ſhould, by any fine, be bereaved of his carts, plows and inſtruments of huſbandry." As for the reſt, they were conſidered as a part of the property belonging to an eſtate, and were transferred, as other moveables, at the will of their owners. In the ſucceeding reign, they were permitted to ſend Repreſentativs

* Not that the Engliſh nation was originally in ſlavery; for the primitiv Saxons and Germans were free. But the military tenures, eſtabliſhed by the Gothic conqueſts, depreſſed the people; ſo that under the rigor of the feudal ſyſtem, about the date of Magna Charta, the King and Nobles held their tenants in extreme ſervitude. From this depreſſion, the Engliſh have gradually emerged into ancient freedom..

tativs to Parliament; and from that time have been gradually aſſuming their proper degree of conſequence in the Britiſh Legiſlature. In ſuch a nation, every law or ſtatute that defines the powers of the crown, and circumſcribes them within determinate limits, muſt be conſidered as a barrier to guard popular liberty. Every acquiſition of freedom muſt be eſtabliſhed as a *right*, and ſolemnly recognized by the ſupreme power of the nation; leſt it ſhould be again reſumed by the crown under pretence of ancient prerogativ: For this reaſon, the habeas corpus act paſſed in the reign of Charles 2d, the ſtatute of the 2d of William and Mary, and many others which are declaratory of certain privileges, are juſtly conſidered as the pillars of Engliſh freedom.

Theſe ſtatutes are however not eſteemed becauſe they are unalterable; for the ſame power that enacted them, can at any moment repeal them; but they are eſteemed, becauſe they are barriers erected by the Repreſentativs of the nation, againſt a power that exiſts independent of their own choice.

But the ſame reaſons for ſuch declaratory conſtitutions do not exiſt in America, where the ſupreme power is *the people in their Repreſentativs*. The *Bills of Rights*, prefixed to ſeveral of the conſtitutions of the United States, if conſidered as aſſigning the reaſons of our ſeparation from a foreign government, or as ſolemn declarations of right againſt the encroachments of a foreign juriſdiction, are perfectly rational, and were doubtleſs neceſſary. But if they are conſidered as barriers againſt the encroachments of our own Legiſlatures, or as conſtitutions unalterable by poſterity, I venture to pronounce them nugatory, and to the laſt degree, abſurd.

In our governments, there is no power of legiſlation, independent of the people; no power that has an intereſt detached from that of the public; conſequently there is no power exiſting againſt which it is neceſſary to guard. While our Legiſlatures therefore remain elective, and the rulers have the ſame intereſt in the laws, as the ſubjects have, the rights of the people will be perfectly ſecure without any declaration in their favor.

But

But this is not the principal point. I undertake to prove that a ſtanding *Bill of Rights* is *abſurd*, becauſe no conſtitutions, in a free government, can be unalterable. The preſent generation have indeed a right to declare what *they* deem a *privilege*; but they have no right to ſay what the *next* generation ſhall deem a privilege. A State is a ſupreme corporate that never dies. Its powers, when it acts for itſelf, are at all times equally extenſiv; and it has the ſame right to *repeal* a law this year, as it had to *make* it the laſt. If therefore our poſterity are bound by our conſtitutions, and can neither amend nor annul them, they are to all intents and purpoſes our ſlaves.

But it will be enquired, have we then no right to ſay, that trial by jury, the liberty of the preſs, the habeas corpus writ, and other invaluable privileges, ſhall never be infringed nor deſtroyed? By no means. We have the ſame right to ſay that lands ſhall deſcend in a particular mode to the heirs of the deceaſed proprietor, and that ſuch a mode ſhall never be altered by future generations, as we have to paſs a law that the trial by jury ſhall never be abridged. The right of Jury trial, which we deem invaluable, may in future ceaſe to be a privilege; or other modes of trial more ſatisfactory to the people, may be deviſed. Such an event is neither impoſſible nor improbable. Have we then a right to ſay that our poſterity ſhall not be judges of their own circumſtances? The very attempt to make *perpetual* conſtitutions, is the aſſumption of a right to control the opinions of future generations; and to legiſlate for thoſe over whom we have as little authority as we have over a nation in Aſia. Nay we have as little right to ſay that trial by jury ſhall be perpetual, as the Engliſh, in the reign of Edward the Confeſſor, had, to bind their poſterity forever to decide cauſes by fiery Ordeal, or ſingle combat. There are perhaps many laws and regulations, which from their conſonance to the eternal rules of juſtice, will always be good and conformable to the ſenſe of a nation. But moſt inſtitutions in ſociety, by reaſon of an unceaſing change of circumſtances, either become altogether

altogether improper, or require amendment; and every nation has at all times, the right of judging of its circumſtances and determining on the propriety of changing its laws.

The Engliſh writers talk much of the omnipotence of Parliament; and yet they ſeem to entertain ſome ſcruples about their right to change particular parts of their conſtitution. I queſtion much whether Parliament would not heſitate to change, on any occaſion, an article of Magna Charta. Mr. Pitt, a few years ago, attempted to reform the mode of repreſentation in Parliament. Immediately an uproar was raiſed againſt the meaſure, as *unconſtitutional.* The repreſentation of the kingdom, when firſt eſtabliſhed, was doubtleſs equal and wiſe; but by the increaſe of ſome cities and boroughs, and the depopulation of others, it has become extremely *unequal.* In ſome boroughs there is ſcarcely an elector left to enjoy its privileges. If the nation feels no great inconvenience from this change of circumſtances, under the old mode of repreſentation, a reform is unneceſſary. But if ſuch a change has produced any national evils of magnitude enough to be felt, the preſent form of electing the Repreſentativs of the nation, however *conſtitutional,* and venerable for its antiquity, may at any time be amended, if it ſhould be the ſenſe of Parliament. The *expediency* of the alteration muſt always be a matter of opinion; but all ſcruples as to the right of making it are totally groundleſs.

Magna Charta may be conſidered as a contract between two parties, the King and the Barons, and no contract can be altered but by the conſent of both parties. But whenever any article of that deed or contract ſhall become inconvenient or oppreſſiv, the King, Lords and Commons may either amend or annul it at pleaſure.

The ſame reaſoning applies to each of the United States, and to the Federal Republic in general. But an important queſtion will ariſe from the foregoing remarks, which muſt be the ſubject of another paper.

No. IV.

No. IV.

NEW YORK, 1788.

On GOVERNMENT.

THE important queſtion I propoſed to diſcuſs in this number, is this: "Whether, in a free State, there ought to be any diſtinction between the powers of the people, or electors, and the powers of the Repreſentativs in the Legiſlature." Or in other words, "whether the legiſlativ body is not, or ought not to be, a ſtanding convention, inveſted with the whole power of their conſtituents."

In ſupporting the affirmativ of this queſtion, I muſt face the opinions and prejudices of my countrymen; yet if we attend cloſely to the merits of the queſtion, ſtripped of all its ſpecious covering, we ſhall perhaps find more arguments in favor of the opinion, than we at firſt ſuſpect.

In the firſt place, a Legiſlature muſt be the ſupreme power, whoſe deciſions are laws binding upon the whole State. Unleſs the Legiſlature is the ſupreme power, and inveſted with *all* the authority of the State, its acts are not laws, obligatory upon the whole State.* I am ſenſible that it is a favorite idea in this country, bandied about from one demagogue to another, that *rulers are the ſervants of the people.* So far as their buſineſs is *laborious* and *embarraſſing*, it implies a degree of ſervitude; but in any other view, the opinion is totally falſe. The people ought at leaſt to place their rulers, who are generally men of the firſt abilities and integrity, on a level with themſelves; for that is an odd kind of government indeed, in which, *ſervants* govern their *maſters.*

The

* The firſt convention of deputies in a ſtate, is uſually deſigned to direct the mode in which future legiſlatures ſhall be cognized. This convention cannot abridge the powers of future legiſlatures, any further than they are abridged by the moral law, which forbids all wrong in general.

The truth is, a Repreſentativ, as an individual, is on a footing with other people; as a Repreſentativ of a State, he is inveſted with a ſhare of the ſovereign authority, and is ſo far a *governor* of the people. In ſhort, the collectiv body of the Repreſentativs, is the collectiv ſenſe and authority of the people; and ſo far are the members from being the *ſervants* of the people, that they are juſt as much *maſters*, *rulers*, *governors*, whatever appellation we give them, as the people would be themſelves in a convention of the whole State.

But in the ſecond place, the public good or ſafety requires that the powers of a Legiſlature ſhould be coextenſiv with thoſe of the people. That a Legiſlature ſhould be competent to paſs any law that the public ſafety and intereſt may require, is a poſition that no man will controvert. If therefore it can be proved that the reſervation of any power in the hands of the people, may at times interfere with the power of the Legiſlature to conſult the public intereſt, and prevent its exerciſe, it muſt be acknowleged, that ſuch a reſervation is not only impolitic, but unjuſt. That a Legiſlature ſhould have unlimited power to do *right*, is unqueſtionable; but ſuch a power they cannot have, unleſs they have all the power of the State; which implies an unlimited power to do *wrong*. For inſtance, ſuppoſe the conſtitution of any ſtate to declare, that no ſtanding army ſhall be kept up in time of peace; then the Legiſlature cannot raiſe and maintain a ſingle ſoldier to guard our frontiers, without violating the conſtitution. To ſay that new enliſtments every year will ſave the conſtitution, is idle; for if a body of troops raiſed for thirty years is a ſtanding army, then a body raiſed for twenty years, or for ſix months, is a ſtanding army; and the power to raiſe troops for a year, is a power to raiſe them at any time and maintain them forever; but with the addition of much trouble and a load of expenſe. Since therefore there never was, and probably never will be a time, till the millenium ſhall arrive, when troops will not be neceſſary to guard the frontiers of States, a clauſe in a conſtitution, reſtricting a Legiſlature

lature from maintaining troops in time of peace, will unavoidably diſable them from guarding the public intereſt. That a power to raiſe and equip troops at pleaſure, may be abuſed, is certain; but that the public ſafety cannot be eſtabliſhed without that power, is equally certain. The liberty of a people does not reſt on any reſervation of power in their hands paramount to their Legiſlature; it reſts ſingly on this principle, *a union of intereſts between the governors and governed.* While a Legiſlator himſelf, his family and his property, are all liable to the conſequences of the laws which he makes for the State, the rights of the people are as ſafe from the invaſion of power, as they can be on this ſide heaven. This union of intereſt depends partly on the laws of property; but moſtly on the *freedom of election.* The right of electing rulers is the people's prerogativ; and while this remains unabridged, it is a ſufficient barrier to guard all their other rights. This prerogativ ſhould be kept ſacred; and if the people ever ſuffer any abridgment of this privilege, it muſt be their own folly and an irrecoverable loſs.

Still further, I maintain that a people have no right to ſay, that any civil or political regulation ſhall be perpetual, becauſe they have no right to make laws for thoſe who are not in exiſtence. This will be admitted; but ſtill the people contend that they have a right to preſcribe rules for their Legiſlature, rules which ſhall not be changed but by the people in a convention. But what is a convention? Why a body of men choſen by the people in the manner they chooſe the members of the Legiſlature, and commonly compoſed of the ſame men; but at any rate they are neither wiſer nor better. The ſenſe of the people is no better known in a convention, than in the Legiſlature.* But

* The *nominal* diſtinction of *Convention* and *Legiſlature* was probably copied from the Engliſh; but the American diſtinction goes farther, it implies, in common acceptation, a difference of *power*. This difference does not exiſt in G. Britain. The aſſembly of Lords and Commons which reſtored Charles II, and that which raiſed the Prince of Orange to the throne, were

But admit the right of eſtabliſhing certain rules of principles which an ordinary Legiſlature cannot change, and what is the conſequence? It is this, a change of circumſtances may ſuperſede the propriety of ſuch rules, or render alterations neceſſary to the ſafety or freedom of the State; yet there is no power exiſting, but in the people at large, to make the neceſſary alterations. A convention then muſt be called to tranſact a buſineſs, which an ordinary Legiſlature can tranſact juſt as well; a convention differing from the Legiſlature merely in name, and in a few formalities of their proceedings. But when people have enjoyed a tolerable ſhare of happineſs under a government, they will not readily ſtep out of the common road of proceeding; and evils inſenſibly increaſe to an enormous degree, before the people can be perſuaded to a change. The reſervation therefore of certain powers may, by an imperceptible change of circumſtances, prove highly pernicious to a State. For example: When the Commons of England were firſt admitted to a ſhare in the legiſlation of that kingdom, which was probably in the reign of Henry III, in 1265,* the repreſentation was tolerably equal. But the changes

were called *Conventions*, or *parliamentary Conventions*. But the difference between theſe Conventions and an ordinary Parliament, is merely a difference in the manner of aſſembling; a *Convention* being an aſſembly or meeting of Lords and Commons, on an emergency, without the King's writ, which is the regular conſtitutional mode of ſummoning them, and by cuſtom neceſſary to render the meeting a *Parliament*. But the powers of this aſſembly, whether denominated a *Convention* or a *Parliament*, have ever been conſidered as coextenſive and ſupreme. I would juſt remark further, that the impoſſibility of eſtabliſhing perpetual, or even permanent forms of government, is proved already by the experience of two States in America. Penſylvania and Georgia, have ſuffered under bad Conſtitutions, till they are glad to go thro the proceſs of calling a new Convention. After the new forms of government have been tried ſome time, the people will diſcover new defects, and muſt either call a third Convention, or let the governments go on without amendment, becauſe their Legiſlatures, which ought to have ſupreme power, cannot make altertations.——[1789.]

* This is the date of the firſt writs now extant, for ſummoning the Knights and Burgeſſes.

changes in the population of different parts of the kingdom have deſtroyed all equality. The mode of election therefore ſhould be reformed. But how ſhall it be done? If there is a conſtitution in that kingdom, which ſettles the mode of election, and that conſtitution is an act of the people, paramount to the power of the Parliament, and unchangeable by them, a convention of the people muſt be called to make an alteration which would be as well made in Parliament. This would occaſion infinite trouble and expenſe.

But the danger is, that as an evil of this kind increaſes, ſo will the lethargy of the people, and their habits of vice and negligence. Thus the diſeaſe acquires force, for want of an early remedy, and a diſſolution enſues. But a Legiſlature, which is always watching the public ſafety, will more early diſcover the approaches of diſorders, and more ſpeedily apply a remedy. This is not preciſely the caſe with the Britiſh conſtitution; for it was not committed at once to parchment and ratified by the people. It conſiſts rather of practice, or common law, with ſome ſtatutes of Parliament. But the Engliſh have been too jealous of changing their practice, even for the better. All the writers on the Engliſh conſtitution agree, that any Parliament can change or amend every part of it; yet in practice, the idea of an *unalterable conſtitution* has had too much influence in preventing a reform in their repreſentation.

But we have an example nearer home directly in point. The charter of Connecticut declares that each town ſhall have liberty to ſend *one* or *two* deputies to the General Court; and the conſtant practice has been to ſend *two*. While the towns were few, the number of Repreſentativs was not inconvenient; but ſince the complete ſettlement of the State, and the multiplication of the towns, the number has ſwelled the Legiſlature to an unwieldly and expenſive ſize. The houſe of Repreſentativs conſiſts of about 170 members: An attempt has been made, at ſeveral ſeſſions, to leſſen the repreſentation, by limiting each town to one Deputy. A queſtion ariſes, have the Aſſembly a right to leſſen the repreſentation?

repreſentation? In moſt States, it would be decided in the negativ. Yet in that State it is no queſtion at all; for there is a ſtanding law expreſsly delegating the *whole* power of all the freemen to the Legiſlature. But I bring this inſtance to prove the poſſibility of changes in any ſyſtem of government, which will require material alterations in its fundamental principles; and the Legiſlature ſhould always be competent to make the neceſſary amendments, or they have not an unlimited power to do right.*

The diſtinction between the *Legiſlature* and a *Convention* is, for the firſt time, introduced into Connecticut, by the recommendation of the late convention of States, in order to adopt the new conſtitution. The Legiſlature of the State, without adverting to laws or practice, immediately recommended a convention for that purpoſe. Yet a diſtinction between a *Convention* and a *Legiſlature* is, in that State, a palpable abſurdity, even by their own laws; for there is no conſtitution in the State, except its laws, which are always repealable by an ordinary Legiſlature; and the laws and uniform practice, from the firſt organization of the government, declare that *the Legiſlature has all the power of all the people.* A convention therefore can have no more power, and differs no more from an ordinary Legiſlature, than one Legiſlature does from another. Or rather it is no more than a Legiſlature choſen for *one particular purpoſe* of ſupremacy; whereas an ordinary Legiſlature is competent to *all* purpoſes of ſupremacy.

But

* In Penſylvania, after the late choice of Delegates to Congreſs by the people, one of the Gentlemen ſent his reſignation to the Preſident and Council, who refered it to the Legiſlature then ſitting. This body, compozed of the ſervants of the people, I ſuppoze, ſolemnly reſolved, that there was no power in the State which would accept the reſignation. The reſolv was grounded on the idea that the power of the people is paramount to that of the Legiſlature; whereas the people hav no power at all, except in chooſing repreſentativs. All Legiſlativ and Executiv powers are veſted in their Repreſentativs, in Council or Aſſembly, and the Council ſhould have accepted the reſignation and iſſued a precept for another choice. Their compelling the man to ſerve was an act of tyranny.

But had the Legiſlature of that State ratified or rejected the new conſtitution, without conſulting their conſtituents, their act would have been valid and binding. This is the excellence of the conſtitution of Connecticut, that the *Legiſlature* is conſidered as the *body of the people*; and the people have not been taught to make a diſtinction which ſhould never exiſt, and conſider themſelves as *maſters* of their *rulers*, and their power as paramount to the laws. To this excellence in her frame of government, that State is indebted for uniformity and ſtability in public meaſures, during a period of one hundred and fifty years; a period of unparalleled tranquillity, never once diſturbed by a violent obſtruction of juſtice, or any popular commotion or rebellion. Wretched indeed would be the people of that State, ſhould they adopt the vulgar maxim, that their rulers are their *ſervants*. We then may expect that the *laws* of thoſe *ſervants* will be treated with the ſame contempt, as they are in ſome other States.*

But from the manner in which government is conſtituted, it is evident that there is no power reſiding in the State at large, which does not reſide in the legiſlature. I know it is ſaid that government originates in *compact*; but I am very confident, that if this is true, the *compact* is different from any other kind of compact that is known among men. In all other *compacts*, *agreements* or *covenants*, the aſſent of every perſon concerned, or who is to be bound by the compact, is requiſite to render it valid and obligatory upon ſuch perſon.

* This pernicious error ſubverts the whole foundation of government. It reſembles the practice of ſome Gentlemen in the country, who hire a poor ſtrolling vagabond to keep a ſchool, and then let the children know that he is a mere *ſervant*. The conſequence is, the children deſpiſe him and his rules, and a conſtant war is maintained between the maſter and his pupils. The boys think themſelves more reſpectable than the maſter, and the maſter has the rod in his hand, which he never fails to exerciſe. A proper degree of reſpect for the man and his laws, would prevent a thouſand hard knocks. This is *government in miniature*. Men are taught to believe that their rulers are their *ſervants*, and then are rewarded with a priſon and a gallows for deſpiſing their laws.

ſon. But I very much queſtion whether this ever takes place in any conſtitution of government.

Perhaps ſo far there is an *implied compact* in government, that every man conſents to be bound by the opinion of a majority; but this is all a *ſuppoſition*; for the conſent of a hundredth part of a ſociety is never obtained.

The truth is, government originates in *neceſſity* and *utility*; and whether there is an implied compact or not, the opinions of the *few* muſt be overruled, and ſubmit to the opinions of the *many*. But the opinions of a majority cannot be known, but in an Aſſembly of the whole ſociety; and no *part* of the ſociety has a right to decide upon a meaſure which equally affects the *whole*, without a conſultation with the whole, to hear their arguments and objections. It is ſaid that *all* power reſides in the *people*; but it muſt be remembered, that let the ſupreme power be where it will, it can be exerciſed only in an *Aſſembly of the whole State*, or in an *Aſſembly of the Repreſentativs of the whole State*.

Suppoſe the power to reſide in the people, yet they cannot, and they have no right to exerciſe it in their ſcattered diſtricts, and the reaſon is very obvious; it is impoſſible that the propriety of a meaſure can be aſcertained, without the beſt general information, and a full knowlege of the opinions of the men on whom it is to operate.

By opinions here I would not be underſtood to mean, the various opinions formed on a view of a particular intereſt, for theſe opinions may be obtained by ſending to each diſtrict, and collecting inſtructions; but I mean the *opinions* of the *whole ſociety*, formed on the *information* and *debates* of the *whole ſociety*. Theſe opinions can be formed no where but in a Convention of the *whole State*, or of their *Repreſentativs*. So far therefore are the people from having a power paramount to that of their Repreſentativs in Convention, that they can exerciſe no act of ſupremacy or legiſlation at all, but in a Convention of the whole State by Repreſentativs.* Unleſs therefore,

* "In a democracy there can be no exerciſe of ſovereignty but by ſuffrage: In England, where the people do not debate in a collective

therefore, it can be proved that a *Convention*, ſo called, which is compoſed moſtly of the ſame men as a Legiſlature, poſſeſſes ſome wiſdom, power or qualifications, which a Legiſlature *does not* and *cannot*, then the diſtinction is uſeleſs and trifling. A Legiſlature is ſuppoſed to conſiſt of men whom the people judge beſt qualified to ſuperintend their intereſts; a convention cannot be compoſed of better men; and in fact we find it generally compoſed of the *ſame men*. If therefore no act of ſovereignty can be exerciſed but in an Aſſembly of Repreſentativs, of what conſequence is it, whether we call it a *Convention* or a *Legiſlature?* or why is not the Aſſembly of Repreſentativs of a people, at all times a *Convention*, as well as a *Legiſlature?*

To me it appears that a diſtinction is made without a difference; but a diſtinction that will often prevent good meaſures, perpetuate evils in government, and by creating a pretended power paramount to the Legiſlature, tend to bring laws into contempt.

POSTSCRIPT.——This reaſoning applies ſolely to the individual States, and not to the United States, before they were formed into a federal body. An important diſtinction muſt be obſerved between the *Conſtitution of a ſovereign State*, and of *thirteen diſtinct ſovereignties*. In a ſovereign State, whatever they may ſuggeſt to the contrary, the voices of a majority are binding upon the minority, even in framing the firſt plan of government. In general, a majority of the votes of the *Repreſentatives* in Legiſlature or Convention have been admitted as obligatory upon every member of the State, in forming and eſtabliſhing a Conſtitution: But when the Conſtitution has been ſubmitted to the people, as it is called, in town meetings or other ſmall aſſemblies, the aſſent of every individual could not be expreſsly obtained; and the diſſent of any number, leſs than half the freemen preſent, who might not be one half the whole number in the State, could not prevent the

collective body, but by repreſentation, the exerciſe of this ſovereignty conſiſts in the *choice of Repreſentatives.*" *Blackſtone's Com. b. 1. ch. 2.* This is the ſole power of the people in America.

the eſtabliſhment of the government, nor invalidate the obligation of *every man* to ſubmit peaceably to its operation. The members of a ſtate or community, cannot *from neceſſity*, be conſidered as parties to a contract, where the aſſent of every man is neceſſary to bind him to a performance of the engagement. But the ſeveral States, enter into a negociation like *contrary parties*; they agree that the aſſent of every individual State, ſhall be requiſite to bind that State; and the frame of government, ſo agreed upon, is conſidered as a compact between independent ſovereignties, which derives its binding force from the mutual and unanimous conſent of the parties, and not merely from a neceſſity that the major part of the people ſhould compel the reſt to ſubmiſſion.

But in this very compact, the States have reſigned their independent ſovereignty, and become a ſingle body or ſtate, as to certain purpoſes; for they have ſolemnly contracted with each other, that *three fourths of* their number may alter and amend the firſt compact. They are therefore no longer ſeparate individuals and contracting parties; but they form a ſingle State or body politic; and a majority of three fourths can exert every act of ſovereignty, except in two or three particulars, expreſsly reſerved in the compact.

No. V.

No. V.

NEW YORK, 1788.

On GOVERNMENT.

THE conſtitution of Virginia, like that of Connecticut, ſtands on the true principles of a Republican Repreſentativ Government. It is not ſhackled with a Bill of Rights, and every part of it, is at any time, alterable by an ordinary Legiſlature. When I ſay *every part* of the conſtitution is alterable, I would except the right of elections, for the Repreſentativs have not power to prolong the period of their own delegation. This is not numbered among the rights of legiſlation, and deſerves a ſeparate conſideration. This right is not veſted in the Legiſlature; it is in the people at large; it cannot be alienated without changing the form of government. Nay the right of election is not only the *baſis*, but the *whole frame* or eſſence of a republican conſtitution; it is not merely *one*, but it is the *only* legiſlativ or conſtitutional act, which the people at large can with propriety exerciſe.

The ſimple principle for which I contend is this, "That in a repreſentativ democracy, the delegates choſen for Legiſlators ought, at all times, to be competent to every poſſible act of legiſlation *under that form of government*; but not to *change that form*." Beſides it is contrary to all our ideas of *deputation* or *agency for others*, that the perſon acting ſhould have the power of extending the period of agency beyond the time ſpecified in his commiſſion. The Repreſentativ of a people is, as to his powers, in the ſituation of an Attorney, whoſe letters commiſſion him to do every thing which his conſtituent would do, where he on the ſpot; but for a limited time only. At the expiration of that time his powers ceaſe; and a Repreſentativ has no more right to extend that period, than a plenipotentiary has to renew his commiſſion. The Britiſh Parliament, by prolonging

prolonging the period of their exiſtence from one to three, and from three to ſeven years, committed an unjuſt act; an act however which has been confirmed by the acquieſcence of the nation, and thus received the higheſt conſtitutional ſanction. I am ſenſible that the Americans are much concerned for the liberties of the Britiſh nation; and the act for making Parliaments ſeptennial is often mentioned as an arbitrary, oppreſſiv act, deſtructiv of Engliſh liberty.* The Engliſh are doubtleſs obliged to us for our tender concern for their happineſs; yet for myſelf I entertain no ſuch ideas: The Engliſh have generally underſtood and advocated their rights as well as any nation, and I am confident that the nation enjoys as much happineſs and freedom, and much more tranquillity, under ſeptennial Parliaments, than they would with annual elections. Corruption to obtain offices will ever attend wealth; it is generated with it, grows up with it, and will always fill a country with violent factions and illegal practices. Such are the habits of the people, that money will have a principal influence in carrying elections; and ſuch vaſt ſums are neceſſary for the purpoſe, that if elections were annual, none but a few of the wealthieſt men could defray the expenſe; the landholders of moderate eſtates would not offer themſelves as candidates; and thus in fact annual elections, with the preſent habits of the people, would actually diminiſh the influence of the Commons, by throwing the advantage into the hands of a corrupt miniſtry, and a few overgrown nabobs. Before annual elections would be a bleſſing to the Engliſh, their habits muſt be changed; but this cannot be effected by human force. I wiſh my countrymen would believe that other nations underſtand and can guard their privileges, without any lamentable outcries from this ſide of the Atlantic. Government will always take its complexion from the habits of the people; habits are continually changing from age to age; a body of Legiſlators taken from the people, will generally repreſent

* The ſeptennial act was judged the only guard againſt a Popiſh reign, and therefore highly popular.

ſent theſe habits at the time when they are choſen: Hence theſe two important concluſions, 1ſt, That a legiſlativ body ſhould be frequently renewed and always taken from the people: 2d, That a government which is perpetual, or incapable of being accommodated to every change of national habits, muſt in time become a *bad* government.

With this view of the ſubject, I cannot ſuppreſs my ſurpriſe at the reaſoning of Mr. Jefferſon on this very point.* He conſiders it as a defect in the conſtitution of Virginia, that *it can be altered by an ordinary Legiſlature.* He obſerves that the Convention which framed the preſent conſtitution of that State, "received no powers in their creation which were not given to every Legiſlature before and ſince. So far and no farther authoriſed, they organized the government by the ordinance entitled a Conſtitution or form of government. It pretends to no higher authority than the other ordinances of the ſame ſeſſion; it does not ſay, that it ſhall be perpetual; that it ſhall be unalterable by other Legiſlatures; that it ſhall be tranſcendant above the powers of thoſe, who they knew would have equal powers with themſelves."

But ſuppoſe the framers of this ordinance had ſaid, that it ſhould be *perpetual* and *unalterable*; ſuch a declaration would have been void. Nay, altho the people themſelves had individually and unanimouſly declared the ordinance perpetual, the declaration would have been invalid. One Aſſembly cannot paſs an act, binding upon a ſubſequent Aſſembly of equal authority;† and the people in 1776, had no authority, and conſequently could delegate none, to paſs a ſingle act which the people in 1777, could not repeal and annul. And Mr. Jefferſon himſelf, in the very next ſentence, aſſigns a reaſon, which is an unanſwerable argument in favor of my poſition, and a complete refutation of his own. Theſe are his words. "Not only the ſilence of the inſtrument is a proof they thought it would be alterable, but

* Notes on Virginia, page 197. Lond. Edit. Query 13.

† Contracts, where a Legiſlature is a party, are excepted.

but their own practice alſo: For this very Convention, meeting as a Houſe of Delegates in General Aſſembly with the new Senate in the autumn of that year, paſſed acts of Aſſembly in contradiction to their ordinance of government; and *every Aſſembly from that time to this, has done the ſame.*"

Did Mr. Jefferſon reflect upon the inference that would be juſtly drawn from theſe facts? Did he not conſider that he was furniſhing his opponents with the moſt effectual weapons againſt himſelf? The acts paſſed by *every ſubſequent Aſſembly in contradiction to the firſt ordinance*, prove that all the Aſſemblies were *fallible* men; and conſequently not competent to make *perpetual Conſtitutions* for future generations. To give Mr. Jefferſon, and the other advocates for *unchangeable Conſtitutions*, the fulleſt latitude in their argument, I will ſuppoſe every freeman of Virginia, could have been aſſembled to deliberate upon a form of government, and that the preſent form, or even one more perfect, had been the reſult of their Councils; and that they had declared it unalterable. What would have been the conſequence? Experience would probably have diſcovered, what is the fact; and what forever will be the caſe; that *Conventions* are not poſſeſſed of *infinite wiſdom*; that the wiſeſt men cannot deviſe a perfect ſyſtem of government. After all this ſolemn national tranſaction, and a formal declaration that their proceedings ſhould be unalterable, ſuppoſe a ſingle article of the Conſtitution ſhould be found to interfere with ſome national benefit, ſome material advantage; where would be the power to change or reform that article? In the ſame general Aſſembly of all the people, and in no other body. But muſt a State be put to this inconvenience, to find a remedy for every defect of conſtitution?

Suppoſe, however, the *Convention* had been empowered to declare the form of government *unalterable*: What would have been the conſequence? Mr. Jefferſon himſelf has related the conſequence. Every ſucceeding Aſſembly has found errors or defects in that frame of government, and has happily applied a remedy. But had

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not every Legiſlature had power to make theſe alterations, Virginia muſt have gone thro the farce, and the trouble of calling an *extraordinary* Legiſlature, to do that which an *ordinary* Legiſlature could do juſt as well, in their annual ſeſſion; or thoſe errors muſt have remained in the conſtitution, to the injury of the State.

The whole argument for Bills of Rights and unalterable Conſtitutions reſts on two ſuppoſitions, viz. that the Convention which frames the government, is *infallible*; and that future Legiſlatures will be *leſs honeſt*, *leſs wiſe*, and *leſs attentiv to the intereſt of the State*, than a preſent Convention: The firſt ſuppoſition is *always falſe*, and the laſt is *generally* ſo. A declaration of perpetuity, annexed to a form of government, implies a ſuppoſition of *perfect wiſdom and probity* in the framers; which is both arrogant and impudent; and it implies a ſuppoſed power in them, to abridge the power of a ſucceeding Convention, and of the future ſtate or body of people. The laſt ſuppoſition is, in every poſſible inſtance of legiſlation, *falſe*; and an attempt to exerciſe ſuch a power, a high handed act of tyranny. But ſetting aſide the argument, grounded on a want of power in one Aſſembly to abridge the power of another, what occaſion have we to be ſo jealous of future Legiſlatures? Why ſhould we be ſo anxious to guard the future rights of a nation? Why ſhould we not diſtruſt the people and the Repreſentativs of the preſent age, as well as thoſe of future ages, in whoſe acts we have not the ſmalleſt intereſt? For my part, I believe that the people and their Repreſentativs, two or three centuries hence, will be as honeſt, as wiſe, as faithful to themſelves, and will underſtand their rights as well, and be as able to defend them, as the people are at this period. The contrary ſuppoſition is abſurd.

I know it is ſaid, that other nations have loſt their liberties by the ambitious deſigns of their rulers, and we may do the ſame. The experience of other nations, furniſhes the ground of all the arguments uſed in favor of an unalterable conſtitution. The advocates ſeem determined that poſterity ſhall not loſe their liberty,

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even if they ſhould be willing and deſirous to ſurrender it. If a few declarations on parchment, will ſecure a ſingle bleſſing to poſterity, which they would otherwiſe loſe, I reſign the argument, and will receive a thouſand declarations. Yet ſo thoroughly convinced am I of the oppoſite tendency and effect of ſuch unalterable declarations, that, were it poſſible to render them valid, I ſhould deem every article an infringement of civil and political liberty. I ſhould conſider every article as a reſtriction which might impoſe ſome duty which in time might ceaſe to be uſeful and neceſſary, while the obligation of performing it might remain; or which in its operation might prove pernicious, by producing effects which were not expected, and could not be foreſeen. There is no one ſingle right, no privilege, which is commonly deemed fundamental, which may not, by an unalterable eſtabliſhment, preclude ſome amendment, ſome improvement in future adminiſtration of government. And unleſs the advocates for unalterable conſtitutions of government, can prevent all changes in the wants, the inclinations, the habits, and the circumſtances of people, they will find it difficult, even with all their declarations of unalterable rights, to prevent changes in government. A paper declaration is a very feeble barrier againſt the force of national habits, and inclinations.

The loſs of liberty, as it is called, in the kingdoms of Europe, has, in ſeveral inſtances, been a mere change of government, effected by a change of habits, and in ſome inſtances this change has been favorable to liberty. The government of Denmark, was changed from a mixed form, like that of England, to an abſolute monarchy, by a ſolemn deliberate act of the people or States. Was this a loſs of liberty? So far from it, that the change removed the oppreſſions of faction, reſtored liberty to the ſubject and tranquillity to the kingdom. The change was a bleſſing to the people. It indeed lodged a power in the Prince to diſpoſe of life and property; but at the ſame time it lodged in him a *power to defend both*; a power which before was lodged *no where*; and

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it is infinitely better that ſuch a power ſhould be veſted in a *ſingle hand*, than that it ſhould *not exiſt at all*. The monarchy of France has grown out of a number of petty ſtates and lordſhips; yet it is a fact, proved by hiſtory and experience, that the ſubjects of that kingdom have acquired liberty, peace and happineſs, in proportion to the diminution of the powers of the petty ſovereignties, and the extenſion of the prerogativs of the Monarch. It is ſaid that Spain loſt her liberties under the reign of Charles Vth; but I queſtion the truth of the aſſertion; it is probable that the ſubject has gained as much by an abridgement of the powers of the nobility, as he loſt by an annihilation of the Cortez. The United Netherlands fought with more bravery and perſeverance to preſerve their rights, than any other people ſince the days of Leonidas; and yet no ſooner eſtabliſhed a government, ſo jealouſly guarded as to defeat its own deſigns, and prevent the good effects of government, than they neglected its principles; the freemen reſigned the privilege of election, and committed their liberties to a rich ariſtocracy. There was no compulſion, no external force in producing this revolution; but the form of government, which had been eſtabliſhed on paper, and ſolemnly ratified, was not ſuited to the genius of the ſubjects. The burghers had the right of electing their rulers; but they neglected it voluntarily; and a *bill of rights*, a *perpetual conſtitution* on parchment, guaranteeing that right, was a uſeleſs form of words, becauſe oppoſed to the temper of the people. The government aſſumed a complexion, more correſpondent to their habits, and tho in theory no conſtitution is more cautiouſly guarded againſt an infringement of popular privileges, yet in practice it is a real ariſtocracy.

The progreſs of government in England has been the reverſe: The people have been gaining freedom by intrenching upon the powers of the nobles and the royal prerogativs. Theſe changes in government do not proceed from *bills of rights*, *unalterable forms* and *perpetual eſtabliſhments*; liberty is never ſecured by ſuch paper declarations, nor loſt for want of them. The truth is,

Government originates in neceſſity, and takes its form and ſtructure from the genius and habits of the people; and if on paper a form is not accommodated to thoſe habits, it will aſſume a new form, in ſpite of all the formal ſanctions of the ſupreme authority of a State. Were the monarchy of France to be diſſolved, and the wiſeſt ſyſtem of republican government ever invented, ſolemnly declared, by the King and his council, to be the conſtitution of the kingdom; the people with their preſent habits, would refuſe to receive it; and reſign their privileges to their beloved ſovereign. But ſo oppoſite are the habits of the Americans, that an attempt to erect a monarchy or an ariſtocracy over the United States, would expoſe the authors to the loſs of their heads.* The truth is, the people of Europe, ſince they have become civilized, have, in no kingdom, poſſeſſed *all* the true principles of liberty. They could not therefore loſe what they never poſſeſſed. There have been, from time immemorial, ſome rights of government, ſome prerogativs veſted in ſome man or body of men, independent of the ſuffrages of the body of the ſubjects. This circumſtance diſtinguiſhes the governments of Europe and of all the world, from thoſe of America. There has been in the free nations of Europe an inceſſant ſtruggle between freedom or national rights, and hereditary prerogativs. The conteſt has ended variouſly in different kingdoms; but generally in depreſſing the power of the nobility; aſcertaining and limiting the prerogativs of the crown, and extending the privileges of the people. The Americans have ſeen the records of their ſtruggles; and without conſidering that the objects of the conteſt *do not exiſt in this country*; they are laboring to guard rights which there is no party to attack. They are as jealous of their rights, as if there exiſted here a King's prerogativs, or the powers of nobles, independent of their own will and choice, and ever eager to

* Some jealous people ignorantly call the propoſed Conſtitution of Federal Government, an *ariſtocracy*. If ſuch men are honeſt, their honeſty deſerves pity: There is not a feature of true ariſtocracy in the Conſtitution; the whole frame of Government is a pure Repreſentativ Republic.

to ſwallow up their liberties. But there is *no man* in America, who claims any rights but what are common to *every man*; there is no man who has an intereſt in invading popular privileges, becauſe his attempt to curtail another's rights, would expoſe his own to the ſame abridgement. The jealouſy of people in this country has no proper object againſt which it can rationally arm them; it is therefore directed *againſt themſelves*, or againſt an invaſion which they *imagine* may happen in future ages. The conteſt for *perpetual bills of rights* againſt a future tyranny, reſembles Don Quixote's fighting windmills; and I never can reflect on the declamation about an *unalterable conſtitution* to guard certain rights, without wiſhing to add another article, as neceſſary as thoſe that are generally mentioned, viz. "that no future Convention or Legiſlature ſhall cut their own throats, or thoſe of their conſtituents." While the habits of the Americans remain as they are, the people will chooſe their Legiſlature from their own body; that Legiſlature will have an intereſt inſeparable from that of the people, and therefore an act to reſtrain their power in any article of legiſlation, is as unneceſſary as an act to prevent them from committing ſuicide.

Mr. Jefferſon, in anſwer to thoſe who maintain that the form of government in Virginia is unalterable, becauſe it is called a *conſtitution*, which, ex vi termini, means an act above the power of the ordinary Legiſlature, aſſerts that *conſtitution*, *ſtatute*, *law* and *ordinance*, are ſynonymous terms, and convertible as they are uſed by writers on government. Conſtitutio dicitur jus quod a principe conditur. Conſtitutum, quod ab imperatoribus reſcriptum ſtatutumve eſt. Statutum, idem quod lex.* Here the words *conſtitution*, *ſtatute* and *law*, are defined by each other; they were uſed as convertible terms by all former writers, whether Roman or Britiſh; and before the terms of the civil law were introduced, our Saxon anceſtors uſed the correſpondent Engliſh words, *bid* and *ſet*.† From hence he concludes that

* Calvini Lexicon Juridicum.

† See Laws of the Saxon Kings.

that no inference can be drawn from the meaning of the word, that a *conſtitution* has a higher authority than a law or ſtatute. This concluſion of Mr. Jefferſon is juſt.

He quotes Lord Coke alſo to prove that any parliament can abridge, ſuſpend or qualify the acts of a preceding Parliament. It is a maxim in their laws, that "Leges poſteriores priores contrarias abrogant." After having fully proved that *conſtitution*, *ſtatute*, *law* and *ordinance*, are words of ſimilar import, and that the conſtitution of Virginia is at any time alterable by the ordinary Legiſlature, he proceeds to prove the danger to which the rights of the people are expoſed, for want of an *unalterable form of government*. The firſt proof of this danger he mentions, is, the power which the Aſſembly exerciſes of determining its own quorum. The Britiſh Parliament fixes its own quorum: The former Aſſemblies of Virginia did the ſame. During the war the Legiſlature determined that *forty* members ſhould be a quorum to proceed to buſineſs, altho not a fourth part of the whole houſe. The danger of delay, it was judged, would warrant the meaſure. This precedent, our writer ſuppoſes, is ſubverſive of the principles of the government, and dangerous to liberty.

It is a dictate of natural law that a *majority ſhould govern*; and the principle is univerſally received and eſtabliſhed in all ſocieties, where no other mode has been arbitrarily fixed. This natural right cannot be alienated *in perpetuum*; for altho a Legiſlature, or even the body of the people, may reſign the powers of government to forty, or to four men, when they pleaſe, yet they may likewiſe reſume them at pleaſure.

The people may, if they pleaſe, create a dictator on an emergency in war, but his creation would not *deſtroy*, but merely *ſuſpend* the natural right of the *Lex majoris partis*. Thus forty members, a minority of the Legiſlature of Virginia, were empowered during a dangerous invaſion, to legiſlate for the State; but any ſubſequent Aſſembly might have diveſted them of that power. During the operation of the law, veſting them with this

power,

power, their acts were binding upon the State; becauſe their power was derived from the general ſenſe of the State; it was actually derived from a legal majority. But that majority could, at any moment, reſume the power and practice on their natural right.

It is a ſtanding law of Connecticut, that forty men ſhall be a quorum of the Houſe of Repreſentativs, which conſiſts of about 170 members. This law, I am confident, never excited a murmur, or a ſuſpicion that the liberties of the people were in danger; yet this law creates an oligarchy; it is an infringement of natural right; it ſubjects the State to the poſſibility, and even the probability of being governed at times by a minority. The acquieſcence of the State, in the exiſtence of the law, gives validity, and even the ſanction of a majority, to the acts of that minority; but the majority may at any time reſume their natural right, and make the aſſent of more than half of the members, neceſſary to give validity to their determinations.

The danger therefore ariſing from a power in the Aſſembly to determine their own quorum, is merely ideal, for no law can be perpetual; the authority of a majority of the people, or of their Repreſentativs, is always competent to repeal any act that is found unjuſt or inconvenient. The acquieſcence however of the people of the States mentioned, and that in one of them for a long courſe of years, under an oligarchy; or their ſubmiſſion to the power of a minority, is an inconteſtible proof of what I have before obſerved, that *theories* and *forms of government* are *empty things*; that the ſpirit of a government ſprings immediately from the temper of the people, and the exerciſe of it will generally take its tone from their feelings. It proves likewiſe that a *union of intereſts* between the rulers and the people, which union will always coexiſt with free elections, is not only the *beſt*, but the *only* ſecurity for their liberties which they can wiſh for and demand. The Government of Connecticut is a ſolid proof of theſe truths. The Aſſembly of that State, have always had power to aboliſh trial by jury, to reſtrain the liberty of the preſs, to ſuſpend the

habeas

habeas corpus act, to maintain a ſtanding army, in ſhort to command every engine of deſpotiſm; yet by ſome means or other, it happens that the rights of the people are not invaded, and the ſubjects have generally been better ſatisfied with the laws, than the people of any other State. The reaſon is, the Legiſlature is a part of the people, and has the *ſame intereſt*. If a law ſhould prove bad, the Legiſlature can repeal it; but in the *unalterable* bills of rights in ſome of the States, if an article ſhould prove wrong and oppreſſiv, an ordinary Legiſlature cannot repeal or amend it; and the State will hardly think of calling a ſpecial Convention for ſo trifling a purpoſe. There are ſome articles, in ſeveral of the State Conſtitutions, which are glaring infractions of the firſt rights of freemen; yet they affect not a majority of the community; and centuries may elapſe before the evil can be redreſſed, and a reſpectable claſs of men reſtored to the enjoyment of their rights.*

To prove the want of an *unalterable Conſtitution* in Virginia, Mr. Jefferſon informs us that in 1776, during the diſtreſſed circumſtances of the State, a propoſition was made in the Houſe of Delegates to create a Dictator, inveſted with every power, legiſlativ, executiv and judicial, civil and military. In June, 1781, under a great calamity, the propoſition was repeated, and was near being paſſed. By the warmth he diſcovers in reprobating this propoſal, one muſt ſuppoſe that the creation of a Dictator even for a few months, would have buried every remain of freedom. Yet he ſeems to allow that the ſtep would have been juſtified, had there exiſted an *irreſiſtible neceſſity*.

Altho

* Such is the article, which excludes the clergy from a right to hold civil offices. The people, might, with the ſame propriety, have declared, that no merchants nor lawyers ſhould be eligible to civil offices. It is a common opinion that the buſineſs of the clergy is wholly *ſpiritual*. Never was a groſſer error. A part of their buſineſs is to inform the minds of people on all ſubjects, and correct their morals; ſo that they have a direct influence on government. At any rate they are ſubjects of law, and ought as freemen to be eligible to a ſeat in the Legiſlature; provided the people incline to chooſe them.

Altho it is poſſible that a caſe may happen, in which the creation of a Dictator might be the only reſort to ſave life, liberty, property and the State, as it happened in Rome more than once; yet I ſhould dread his power as much as any man, were I not convinced that the ſame men that appointed him, could, in a moment, ſtrip him of his tremendous authority. A Dictator, with an army ſuperior to the ſtrength of the State, would be a deſpot; but Mr. Jefferſon's fears ſeem grounded on the authority derived from the Legiſlature. A conceſſion of power from the Legiſlature, or the people, is a voluntary ſuſpenſion of a natural *unalienable* right; and is reſumeable at the expiration of the period ſpecified, or the moment it is abuſed. A State can never alienate a *natural right*; for it cannot legiſlate for thoſe who are not in exiſtence. It may conſent to ſuſpend that right for great and temporary purpoſes; but were every freeman in Virginia to aſſent to the creation of a *perpetual Dictator*, the act in itſelf would be void. The expedient of creating a Dictator is dangerous, and no free people would willingly reſort to it; but there may be times when this expedient is neceſſary to ſave a State from ruin, and when every man in a State would cheerfully give his ſuffrage for adopting it. At the ſame time, a temporary inveſtiture of unlimited powers in one man, may be abuſed; it may be an influential precedent; and the continuance of it, may furniſh the Dictator with the means of perpetuating his office. The diſtreſs of a people muſt be extreme, before a ſerious thought of a Dictator can be juſtifiable. But the people who create, can annihilate a Dictator; their right to govern themſelves cannot be reſigned by any act whatever, altho extreme caſes may vindicate them in ſuſpending the exerciſe of it. Even preſcription cannot exiſt againſt this right; and *every* nation in Europe has a *natural* right to depoſe its King, and take the government into its own hands; altho it may forever be inexpedient for any of them to exerciſe the right.

VI.

No. VI.

NEW YORK, 1788.

On GOVERNMENT.

I HAVE ſaid,* "that the people ought not to give binding inſtructions to Repreſentativs." "That they cannot exerciſe any act of ſupremacy or legiſlation at all but in a Convention of the whole State, or of the Repreſentativs of the whole State." And "That the right of election is the *only* conſtitutional right which they can with propriety exerciſe." That theſe poſitions, however repugnant to the received opinions of the preſent age, are capable of political demonſtration, is to me unqueſtionable. They all convey nearly the ſame idea, and if true, they contravene, in ſome meaſure, a fundamental maxim of American politics, which is, that "the ſovereign power reſides in the people."

I am not deſirous of ſubverting this favorite maxim; but I am very deſirous it ſhould be properly qualified and underſtood; for the abuſe of it is capable of ſhaking any government; and I have no doubt that the miſtakes which this maxim has introduced, have been the principal ſources of rebellion, tumult and diſorder in ſeveral of the American States.

It is doubtleſs true, that the individuals who compoſe a political ſociety or ſtate, have a ſovereign right to eſtabliſh what form of government they pleaſe in their own territories. But in order to deliberate upon the ſubject, they muſt all convene together, as in Rome and Athens; or muſt ſend deputies, veſted with powers to act for them, as is the practice in England and America. If they adopt the firſt method, then the Supreme Legiſlativ power reſides, to all intents and purpoſes, in the whole body of the people. If, from the local circumſtances of the people, the whole body cannot meet for deliberation,

* No. II. IV. V.

eration, then the Legiſlativ powers do not reſide in the people at large, but in an aſſembly of men delegated by the whole body.

To prove this laſt poſition, it is neceſſary to enquire, what is the object of law, and on what principles ought it to be founded? A law, if I underſtand the term, is an act of the *whole State*, operating upon the *whole State*, either by command or prohibition: It is thus diſtinguiſhed from a *reſolve* which more properly reſpects an individual or a part of the State.* The object of a law is to prevent poſitiv evil or produce poſitiv good to the *whole State*; not merely to a particular part. The principle therefore on which all laws ſhould be founded, is, *a regard to the greateſt good which can be produced to the greateſt number of individuals in the State.* The principle is ſo obvious, that I preſume it will not be controverted. Permit me then to enquire, whether the people of any diſtrict, county or town, in their local meetings, are competent to judge of this *general good?* A law, which is, in its operation *general*, muſt be founded on the beſt *general information:* The people themſelves have no right to conſent to a law, without this general information: They have no right to conſent to a law, on a view of a local intereſt; nor without hearing the objections and arguments, and examining the amendments, ſuggeſted by every part of the community, which is to be affected by that law. To maintain the contrary

* It is a capital defect in ſome of the States, that the government is ſo organized as not to admit ſubordinate acts of legiſlation in ſmall diſtricts. In theſe States, every little collection of people in a village muſt petition the Legiſlature for liberty to lay out a highway or build a bridge; an affair in which the State at large has very little intereſt, and of the neceſſity and utility of which the Legiſlature are not ſuitable judges. This occaſions much trouble for the State; it is a needleſs expenſe. A State ſhould be divided into inferior corporations, veſted with powers competent to all acts of local police. What right have the inhabitants of Suffolk to interfere in the building of a bridge in Montgomery†? Who are the moſt competent judges of a local convenience; the whole State, or the inhabitants of the particular diſtrict?

† This was written in New York.

trary is to defend the moſt glaring contradictions. But can the inhabitants, in detached aſſociations, be acquainted with theſe objections and arguments? Can they know the minds of their brethren at the diſtance of three or five hundred miles? If they cannot, they do not poſſeſs the right of legiſlation. Little will it avail to ſay, that the people acquire the neceſſary information by newſpapers, or other periodical publications: There are not more than two States in the thirteen, where one half the freemen read the public papers. But if every freeman read the papers, this would not give him the information neceſſary to qualify him for a Legiſlator; for but a ſmall part of the intelligence they contain is official, which alone can be the ground of law; nor can the collectiv ſenſe of a nation or ſtate be gathered from newſpapers. The whole body of people, or Repreſentativs of the whole body, are the only vehicles of information which can be truſted, in forming a judgement of the true intereſt of the whole State.

If the *collectiv ſenſe* of a State is the baſis of law, and that ſenſe can be known officially no where but in an Aſſembly of all the people or of their Repreſentativs; or in other words, if there can be no ſuch thing as a *collection of ſentiments* made in any other manner, than by a Convention of the whole people or their Delegates, where is the right of *inſtructing Repreſentativs?* The ſenſe of the people, taken in ſmall meetings, without a general knowlege of the objections, and reaſonings of the whole State, ought not to be conſidered as the true ſenſe of the State; for not being poſſeſſed of the beſt general information, the people often form wrong opinions of their own intereſt. Had I the journals of the ſeveral Legiſlatures in America, I would prove to every man's ſatisfaction, that moſt of the ſchemes for paper money, tender laws, ſuſpenſion of laws for the recovery of debts, and moſt of the deſtructiv meaſures which have been purſued by the States, have originated in towns and counties, and been carried by poſitiv inſtructions from conſtituents to Repreſentativs. The freemen, in theſe caſes, have wrong ideas of their own intereſt; their error,

ror, in the firſt inſtance, is aſcribeable merely to ignorance, or a want of that juſt information, which they themſelves would obtain in a General Aſſembly.* The right therefore of preſcribing rules to govern the votes of Repreſentativs, which is ſo often aſſumed, frequently amounts to a right of doing infinite miſchief, with the beſt intentions. There is perhaps no caſe in which the people at large are ſo capable of knowing and purſuing their own intereſt, as their Delegates are when aſſembled for conſultation and debate. But the practice of giving binding inſtructions to Repreſentativs, if it has any foundation, is built on this maxim, that the conſtituents, on a view of their local intereſts, and either with none, or very imperfect information, are better judges of the propriety of a law, and of the general good, than the moſt judicious men are (for ſuch generally are the Repreſentativs) after attending to the beſt official information from every quarter, and after a full diſcuſſion of the ſubject in an Aſſembly, where claſhing intereſts conſpire to detect error, and ſuggeſt improvements. This maxim is obviouſly falſe; and a practice built on it, cannot fail to produce laws, inaccurate, contradictory, capricious and ſubverſive of the firſt rights of men. Perhaps no country, except America, ever experienced the fatal effects of this practice, and I bluſh to remark, what candor itſelf muſt avow, that few arbitrary governments, have in ſo ſhort a period, exhibited ſo many *legal infractions* of ſacred right; ſo many public invaſions of private property; ſo many wanton abuſes of legiſlativ powers! Yet the people are generally honeſt; and as well informed as the people of any country. Their errors proceed from ignorance; from falſe maxims of governments. The people attempt to legiſlate without the neceſſary qualifications for lawgivers; yes, *they legiſlate at home!* and while this practice ſubſiſts, our public meaſures will be often weak, imperfect, and changeable; and ſometimes *extremely iniquitous*. From theſe conſiderations,

* An error, originating in miſtake, is often purſued thro obſtinacy and pride; and ſometimes a familiarity with *falſehood*, makes it appear like *truth*.

conſiderations, it appears that the powers of a Repreſentativ ſhould be wholly diſcretionary when he acts as a Legiſlator; but as an agent for a town or ſmall ſociety, he may have poſitiv inſtructions. His conſtituents, in the laſt caſe, are competent to inſtruct him, becauſe they are the whole body concerned; but in the firſt inſtance, they are but a part of the State, and not competent to judge fully of the intereſt of the whole.

To place the matter in the ſtrongeſt point of light, let us ſuppoſe a ſmall State, in which the whole body of people meet for the purpoſe of making laws. Suppoſe in this democracy, the people of a town or other diſtrict ſhould deſire a particular act, for inſtance, a tender law. Would the inhabitants of this town, have a right to meet a few weeks before the General Aſſembly, where they all would expect to be preſent, to debate and vote; and in this town meeting take an oath, or otherwiſe bind themſelves to vote for the act? Would they have a right to ſhut their ears againſt argument; to lay a reſtraint upon their own minds; to exclude the poſſibility of conviction, and ſolemnly ſwear to vote in a certain manner, whether right or wrong! If in this caſe, the people of a diſtrict have no right to lay a reſtraint upon themſelves before they enter the General Aſſembly, neither have they a right, in repreſentativ democracies, to lay ſuch a reſtraint upon their Delegates. The very reaſon why they are incompetent to direct their *Deputies*, is that they cannot determine how to act *themſelves*, till they come into the Aſſembly. The very doctrine of repreſentation in government excludes the right of giving binding inſtructions to Deputies. The deſign of chooſing Repreſentativs is to *collect the wiſdom of the State*; the Deputies are *to unite* their Councils; *to meet* and *conſult for* the public ſafety: But poſitiv inſtructions prevent this effect; they are dictated by local intereſts, or opinions formed on an imperfect view of facts and arguments; in ſhort they totally counteract the good effects of public deliberations, and prevent thoſe ſalutary meaſures which may reſult from united Councils. They make the opinions of a ſmall

part

part of the State a rule for the whole; they imply a decision of a queſtion, before it is heard; they reduce a Repreſentativ to a mere machine, by reſtraining the exerciſe of his reaſon; they ſubvert the very principles of republican government.

But let us attend to the inconſiſtency of the practice. The oath required of a Repreſentativ, before he takes his ſeat, binds him to vote or act from a regard to the public good, *according to his judgement* and *the beſt of his abilities*. Some of the Conſtitutions contain an oath that binds a Repreſentativ, *not to aſſent to, or vote for, any act that he ſhall deem injurious to the people*. But what opinion, what judgement can a man exerciſe, who is under the reſtraint of poſitiv inſtructions? Suppoſe a man ſo inſtructed ſhould in conſcience believe that a bill, if enacted, would be prejudicial to his conſtituents, yet his orders bind him to vote for it; how would he act between his oath and his inſtructions? In his oath he has ſworn to act according to his judgment, and for the good of the people; his inſtructions forbid him to uſe his judgment, and bind him to vote for a law which he is convinced will injure his conſtituents. He muſt then either abandon his orders or his oath; perjury or diſobedience is his only alternativ.

This is no imaginary ſituation; I preſume that many men have experienced it. One very worthy member of the Legiſlature in this State* a few years ſince, was in that very predicament; and I heard him expreſs great anxiety upon the occaſion.

How noble was the conduct of that gentleman in Sandwich (Maſſ.) who, being choſen to repreſent the town in the late Convention, and inſtructed to vote againſt the Conſtitution, *at all events*; *notwithſtanding any thing that might be ſaid in favor of it*; rather than ſubmit to be fettered in this manner, reſigned his appointment. The name of this gentleman, THOMAS BOURN, Eſq. ought to be held in veneration by every true friend to his country, and his addreſs to the electors on that occaſion, ought to be written in letters of gold. It is recorded

* New York.

recorded in theſe words: "Fellow Townſmen—The line of conduct which has appeared to me right, I have ever wiſhed to purſue. In the decline of life, when a few revolving ſuns at moſt will bring me to the bar of impartial juſtice, I am unwilling to adopt a different, and leſs honeſt mode of acting. It is true, my ſentiments at preſent are not in favor of the Conſtitution; open however to conviction, they may be very different, when the ſubject is fairly diſcuſſed by able and upright men. To place myſelf in a ſituation, where conviction could be followed only by a bigotted perſiſtence in error, would be extremely diſagreeable to me. Under the reſtrictions with which your Delegates are fettered, *the greateſt ideot may anſwer your purpoſe as well as the greateſt man.* The ſuffrages of our fellow men, when they neither repoſe confidence in our integrity, nor pay a tribute of reſpect to our abilities, can never be agreeable. I am therefore induced poſitivly to decline accepting a ſeat in Convention, whilſt I ſincerely wiſh you, gentlemen, and my countrymen, every bleſſing which a wiſe and virtuous adminiſtration of a free government can ſecure."

Such a bold and honeſt independence of mind are the marks of a good Legiſlator. With ſuch men as Mr. Bourn, in the legiſlativ department, our lives, liberties and properties are ſafe. Such a genius, riſing amidſt the obſcurity of errors and falſe maxims, like a ſtar emerging from chaos, ſpreads the rays of truth and illuminates the ſurrounding hemiſphere. Conſidering the circumſtances in which this gentleman was then placed, I had rather be the author of that ſhort addreſs, than of all the labored diſſertations which have been written upon the propoſed conſtitution.

Another error, which is connected with the practice of inſtructing Repreſentativs, and may perhaps be one cauſe of it, is the opinion that a Deputy choſen by a certain number of freemen, is *their Repreſentativ only* or *particularly*: It ſeems to be believed that a Repreſentativ is bound to attend to the *particular intereſt of the men who elect him*, rather than to the *general intereſt*. If this were

were true, it would obviate, in ſome meaſure, the objections againſt inſtructions. But with reſpect to every general act, the opinion is *clearly falſe*. The reaſon why men are choſen by ſmall ſocieties of freemen, and not by the whole body, is, that the whole body cannot be well acquainted with the moſt able men in the different parts of the State. It is the beſt expedient to correct the defects of government, or rather, it is the beſt *practicable* mode of election. To render the mode perfect, the *whole body of freemen* ſhould be at liberty to chooſe their Delegates from the *whole body*. This would deſtroy, in a great meaſure, the local views and attachments which now embarraſs government; every Repreſentativ would be choſen by the whole body; and the intereſt of the whole number of conſtituents would be his object.

This mode is either impracticable or hazardous; notwithſtanding this, when a Delegate is elected by a *part* of the State, he is really the Repreſentativ of the *whole*, as much as if he were *elected* by the whole. The conſtituents of every Repreſentativ are not ſolely thoſe who *voted* for him, but the *whole State*, and the man that acts from a *local* intereſt, and attends merely to the wiſhes of thoſe men who elected him, violates his oath, and abuſes his truſt. Hence the abſurdity of inſtructions, which are generally dictated by a partial intereſt, and can perhaps in no caſe be the ſole rule of a Legiſlator's conduct. When therefore a Repreſentativ ſays, *ſuch is the wiſh of my conſtituents*; *ſuch are their directions*; his declaration is but partially true; for his inſtructions are the wiſhes of a *part* only of his conſtituents. His conſtituents, whom he actually repreſents, and whoſe greateſt intereſt is the ſole rule of his conduct, are *the whole body of freemen*. This is an important truth, and I muſt repeat it; the man who is deputed to make laws for a State, and ſuffers a local intereſt to influence his conduct, abuſes a ſacred truſt; and the Repreſentativ who obeys his inſtructions, in oppoſition to the conviction of his own mind, ariſing from a general view of public good, *is guilty of a ſpecies of perjury*.

Such

Such are the opinions, which after long deliberation, I have formed reſpecting the principles of a republican government. I feel a diffidence in publiſhing ſentiments ſo repugnant to the principles received by my countrymen, and recognized by ſome of the State Conſtitutions. But a ſtrong perſuaſion of the truth of theſe opinions, acquired by reaſoning, and confirmed by ſeveral years obſervations, forbids me to ſuppreſs them.

A ſummary of the truths, deduced from the foregoing reaſoning, is this: That the power of a State is at all times equal; that neither the people themſelves, nor a Convention of their Delegates, have either the power or the right to make an unalterable Conſtitution; that the power of creating a legiſlativ body, or the ſovereign right of election, is ſolely in the people; but the ſovereign power of making laws is ſolely in an Aſſembly of their Repreſentativs; that the people have no right to give binding inſtructions to their Repreſentativs; conſequently a diſtinction between a *Convention* and a *Legiſlature*, can be merely a difference of *forms*; that Repreſentativs have no right to prolong the period of their delegation; that being taken from the maſs of the people, and having a common intereſt with them, they will be influenced, even by private intereſt, to promote the public good; and that ſuch a government, which is a novelty on earth, is perhaps the beſt that can be framed, and the only form which will always have for its object, the general good.

No. VII.

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PHILADELPHIA, 1787.

REMARKS *on the* MANNERS, GOVERNMENT, *and* DEBT *of the* UNITED STATES.

SINCE the declaration and eſtabliſhment of a general peace, and ſince this country has had an opportunity to experience the effects of her independence, events have taken place, which were little expected by the friends of the revolution. It was expected, that on the ratification of peace, by the belligerent powers, America would enjoy perfect political tranquillity. The ſtateſman in his cloſet, and the divine in his addreſſes to heaven, predicted and anticipated the happy period, when every man would reſt, unmoleſted, under his own vine and his own fig tree. The merchant foreſaw, in viſion, the ports of all nations open to his ſhips, and the returns of a favorable commerce pouring wealth into his coffers. The honeſt laborer, in the ſhop and the field, was told that independence and peace would forever remove the fears of oppreſſion, would lighten his burthen, and give him legal ſecurity for the uninterrupted poſſeſſion of his rights. This flattering proſpect inſpired an irreſiſtible enthuſiaſm in war. The contention for freedom was long and arduous; the prize was obtained; the deluſion vaniſhed, and America is ſurprized at the diſappointment.

Inſtead of general tranquillity, *one* State has been involved in a civil war, and moſt of them are torn with factions, which weaken or deſtroy the energy of government. Inſtead of a free commerce with all the world, our trade is every where fettered with reſtraints and impoſitions, dictated by foreign intereſt: and inſtead of pouring wealth into our country, its preſent

tendency is, to impoverish both the merchant and the public. Instead of legal security of rights under governments of our own choice, and under our own control, we find property at least unsafe, even in our best toned government. Our charters may be wrested from us without a fault, our contracts may be changed or set aside without our consent, by the breath of a popular Legislature. Instead of a dimunition of taxes, our public charges are multiplied; and to the weight of accumulating debts, we are perpetually making accessions by expensiv follies. Instead of a union of States and measures, essential to the welfare of a great nation, each State is jealous of its neighbor, and struggling for the superiority in wealth and importance, at the hazard even of our federal existence.

This is the dark side of our public affairs; but such are the facts. The public and private embarrassments, which are both seen and felt, are the topics of incessant declamation. The rhapsodies of orators, and the publications in gazettes, from the northern to the southern extremity of the United States, concur in deprecating the present state of this country, and communicate the intelligence of our distresses to the whole civilized world. Nor are newspapers the only heralds of our calamities. The contempt of government among one class of men, the silent murmurs of poverty in the peaceful cottage, and numerous bankrupts in every quarter, are irresistible evidence to a thinking mind, that something is wrong.

But declamation is idle, and murmurs fruitless. Time has been when the minds of people were alarmed at the approaches of despotism: Then harangues roused attention; then mobs raised the temple of freedom, and declared themselves ready to be sacrificed upon her altar. But violent passions in the public as well as in the human body, are always transitory. That enthusiasm which was called *public spirit, heroic virtue, and love of country*, has long ago subsided, and is absorbed in the general steady principle, private interest. That enthusiasm is not to be rekindled. The expostulations

tulations of our rulers and patriotic writers, have no more effect in reviving public ſpirit, than the attraction of a meteor in raiſing a tide.

Men, who embraced revolution principles, becauſe independence might ſave a few ſhillings in taxes, or extend the imaginary ſphere of freedom; who expected that peace would place them in a paradiſe of bleſſings, where they might riot without the fatigue of exertion; ſuch men had narrow views of the conſequence of detaching America from a tranſatlantic juriſdiction. They viewed but a ſmall part of the great event: They are, they *ought to be* diſappointed. Such men expect effects without cauſes, and are ready to deſpond, or commence enemies to a glorious event, becauſe miracles are not wrought to verify their ill founded predictions.

In this view, this inſect view of things, the revolution ought to be conſidered as extremely unfortunate; for to the preſent generation, it muſt certainly prove ſo.

But on the general ſcale of human happineſs, every man of reflection muſt rejoice at the illuſtrious event. Even the propriety of the independence of theſe States, is ſo obviouſly dictated by their local ſituation, that a generous European ought to have conſented to the meaſure on this ſingle principle. But taking into conſideration the vaſt field which is here opened for improvements in ſcience, in government, in religion, and in morals; the philoſopher will felicitate himſelf with the proſpect of diſcoveries favorable to arts and happineſs; the ſtateſman will rejoice that there is a retreat from the vaſſalage of Europe; the divine will bleſs God that a place has been reſerved for an uncorrupted church; and the philanthropiſt, who compares the yeomanry of America with the peaſantry of Europe, will congratulate himſelf on an event which has removed millions of people from the ambition of princes, and from a participation of the vices, which mark the decline of nations.

The revolution of America, whatever may be the preſent effects, muſt, on the univerſal ſcale of policy,

prove fortunate, not only for the parties, but for mankind in general. The period, however, when this country will realize the happy conſequences of her ſeparation, muſt be remote; probably beyond the lives of the preſent generation.

It is worth our curioſity to inquire into the cauſes of our preſent political evils; not the more obvious cauſes, which every man ſees and laments, but thoſe radical cauſes which lie hid from common obſervation; whoſe operations are imperceptible, but whoſe effects are viſible, even to a vulgar eye.

A fundamental miſtake of the Americans has been, that they conſidered the revolution as completed, when it was but juſt begun. Having raiſed the pillars of the building, they ceaſed to exert themſelves, and ſeemed to forget that the whole ſuperſtructure was then to be erected. This country is independent in government; but totally dependent in manners, which are the baſis of government. Men ſeem not to attend to the difference between Europe and America, in point of age and improvement; and are diſpoſed to ruſh, with heedleſs emulation, into an imitation of manners, for which we are not prepared.

Every perſon tolerably well verſed in hiſtory, knows that nations are often compared to individuals and to vegetables, in their progreſs from their origin to maturity and decay. The reſemblance is ſtriking and juſt. This progreſs is as certain in nations as in vegetables; it is as obvious, and its cauſes more eaſily underſtood; in proportion as the ſecret ſprings of action in government are more eaſily explained, than the mechanical principles of vegetation.

This progreſs therefore being aſſumed as a conceded fact, ſuggeſts a forcible argument againſt the introduction of European manners into America. The buſineſs of men in ſociety is, firſt, to ſecure their perſons and eſtates by arms and wholeſome laws; then to procure the conveniencies of life by arts and labor; but it is in the laſt ſtages only of national improvement, when luxury and amuſements become public benefits, by diſſipating

diſſipating accumulations of wealth, and furniſhing employment and food for the poor. And luxury then is not beneficial, except when the wealth of a nation is waſted within itſelf. It is perhaps always true, that an old civilized nation cannot, with propriety, be the model for an infant nation, either in morals, in manners or faſhions, in literature or in government.

The preſent ambition of Americans is, to introduce as faſt as poſſible, the faſhionable amuſements of the European courts. Conſidering the former dependence of America on England, her deſcent, her connexion and preſent intercourſe, this ambition cannot ſurpriſe us. But it muſt check this ambition to reflect on the conſequences. It will not be denied, that there are vices predominant in the moſt polite cities in Europe, which are not only unknown, but are ſeldom mentioned in America; and vices that are infamous beyond conception. I preſume it will not be denied that there muſt be an amazing depravation of mind in a nation, where a farce is a publication of more conſequence than Milton's Poem; and where an opera dancer, or an Italian ſinger, receives a ſalary equal to that of an Ambaſſador. The facts being known and acknowleged, I preſume the conſequence will not be denied. Not that this charge is good againſt every individual; even in the worſt times, there will be found many exceptions to the general character of a nation.

If theſe vices and the depravation of mind do actually exiſt, it is a proof of a gradual corruption; for there was a time when they did not exiſt. There was a time when decency was a virtue, even at Venice. The progreſs is alſo ſlow, unleſs haſtened by ſome external circumſtances. It was more than two thouſand years from the building of Rome to the pontificate of Alexander the VIth whoſe naked revelings filled the meaſure of public vice, and ſtrike the human mind with horror.

A conſtant increaſe of wealth is ever followed by a multiplication of vices: This ſeems to be the deſtiny of human affairs; wiſdom, therefore, directs us to retard,

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if poſſible, and not to accelerate the progreſs of corruption. But an introduction of the faſhionable diverſions of Europe into America, is an acceleration of the growth of vices which are yet in their infancy, and an introduction of new ones too infamous to be mentioned. A dancing ſchool among the Tuſcaroras, is not a greater abſurdity than a maſquerade in America. A theater, under the beſt regulations, is not eſſential to our public and private happineſs. It may afford entertainment to individuals; but it is at the expenſe of private taſte and public morals. The great misfortune of all exhibitions of this kind is this; that they reduce all taſte to a level. Not only the vices of all claſſes of people are brought into view, but of all ages and nations. The intrigues of a nobleman, and the ſcurrility of ſhoe blacks, are preſented to the view of both ſexes, of all ages; the vices of the age of Elizabeth and of Charles IId are recorded by the maſterly pens of a Shakeſpeare and a Congreve, and by repeated repreſentation, they are "hung on high," as the poet expreſſes it, "to poiſon half mankind." The fact is, that all characters muſt be preſented upon a theater, becauſe all characters are ſpectators; and a nobleman and a ſailor, a dutcheſs and a waſher woman, that attend conſtantly on the exhibitions of vice, become equally depraved; their taſtes will be nearly alike as to vice; the one is as prepared for a crime as the other. It is for this reaſon, that many of the amuſements of nations more depraved than ourſelves, are highly pernicious in this country. They carry us forward by haſty ſtrides, to the laſt ſtages of corruption; a period that every benevolent man will deprecate and endeavor to retard. This circumſtance, the difference in the ſtages of our political exiſtence, ſhould make us ſhun the vices which may be politic and even neceſſary in older ſtates; and endeavor to preſerve our manners by being our own ſtandards. By attaching ourſelves to foreign manners, we counteract the good effects of the revolution, or rather render them incomplete. A revolution in the form of government, is but a revolution

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in name; unleſs attended with a change of principles and manners, which are the ſprings of government.

This leads me to treat more particularly of the influence of faſhions on the intereſts of theſe States; an article in which the ladies are deeply intereſted.

Faſhion in itſelf is a matter of indifference, as affecting neither morals nor politeneſs. It is of no conſequence whether a lady is clad with a gown or a frock; or whether a gentleman appears in public with a cap or a wig. But there may be times and ſituations in which the moſt trifling things become important. The practice of imitating foreign modes of dreſs, cannot coſt America leſs than 100,000l. a year. I ſpeak not of the neceſſary articles of dreſs; but merely of changes of faſhions.

To underſtand this fact, it is neceſſary to advert to the different circumſtances of this country, and of the European kingdoms, which we take as our models.

Two circumſtances diſtinguiſh moſt of the commercial countries of Europe from America; a feudal diviſion of real property, and manufactures. Where vaſt eſtates are hereditary and unalienable, a great part of the people are dependent on the rich, and if the rich do not employ them, they muſt ſtarve. Thus in England and France, a great landholder poſſeſſes a hundred times the property that is neceſſary for the ſubſiſtence of a family; and each landlord has perhaps a hundred families dependent on him for ſubſiſtence. On this ſtatement, if the landlord ſhould live penuriouſly, and ſupply his own family only with neceſſaries, all his dependents muſt ſtarve. In order to ſubſiſt the ninety nine families, he muſt create wants, which their employment muſt ſupply; for the natural wants of a few rich people will not furniſh employment for great multitudes of poor. Hence the good policy, the neceſſity of luxury in moſt European kingdoms. Hence originate all the changes and varieties of faſhion. A gentleman or lady in London muſt not appear in public twice in the ſame ſuit. This is a regulation of cuſtom, but it is highly political; for were the nobility and

rich

rich gentry to wear out all their clothes, one half the people muſt be beggars. The faſhions of England and France are not merely matter of fancy: Fancy may dictate new and odd figures in dreſs; but the general deſign of frequent and continual changes of faſhion, is wiſe ſyſtematic policy, at the courts of London and Paris.

But let us ſee with how little diſcretion and policy *we* adopt foreign luxuries. America is a young country, with ſmall inequalities of property, and without manufactures. Few people are here dependent on the rich, for every man has an opportunity of becoming rich himſelf. Conſequently few people are ſupported by the luxuries of the wealthy; and even theſe few are moſtly foreigners.

But we have no body of manufacturers to ſupport by diſſipation. All our ſuperfluities are imported, and the conſumption of them in this country enriches the merchants and ſupports the poor of Europe. We are generous indeed! generous to a fault. This is the pernicious, the fatal effect of our dependence on foreign nations for our manners. We labor day and night, we ſacrifice our peace and reputation, we defraud our public creditors, involve ourſelves in debts, impoveriſh our country: Nay, many are willing to become bankrupts and take lodgings in a priſon, for the ſake of being as fooliſh as thoſe nations which ſubſiſt their poor and grow rich and reſpectable by their follies.

No objection can be made to rich and elegant dreſſes among people of affluent circumſtances. But perhaps we may ſafely calculate that one third of the expenſes incurred by dreſs in this country, add nothing either to convenience or elegance.

A new dreſs is invented in London or Paris, not for the ſake of ſuperior elegance, becauſe it frequently happens that a new dreſs is leſs rich and elegant than an old one; but for the ſake of giving food to manufacturers. That new faſhion is ſent acroſs the Atlantic; let it be ever ſo troubleſome and uncouth, we admire its novelty; we adopt it becauſe it is faſhionable; and

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merely for a change, that may be made in half an hour by a tailor or a milliner, 20, 30, or 50,000 pounds are drawn from the capital ſtocks of property in America, to enrich nations which command our commerce and ſmile at our folly.

But it is not only the wealth of this country that is ſacrificed by our ſervile imitation of other nations; our complaiſance often requires us to diſpenſe with good taſte.

It will probably be admitted that amidſt the infinite variety of dreſſes which are faſhionable, during a courſe of ten or fifteen years, ſome of them muſt be more convenient and elegant than others. True taſte in dreſs conſiſts in ſetting off the perſon to the beſt advantage. That dreſs which unites the articles of convenience, ſimplicity and neatneſs, in the greateſt perfection, muſt be conſidered as the moſt elegant. But true taſte goes farther; it has reference to age, to ſhape, to complexion, and to the ſeaſon of the year. The ſame dreſs which adorns a miſs of fifteen, will be frightful on a venerable lady of ſeventy. The ſame dreſs will embelliſh one lady and disfigure another. But the paſſive diſpoſition of Americans in receiving every mode that is offered them, ſometimes reduces all ages, ſhapes and complexions to a level.

I will not undertake to ſay that people ought not, in the article of dreſs, to ſacrifice taſte to national intereſt. A ſacrifice of that kind, in a manufacturing country, may be laudable; it will at leaſt be pardonable. But in a reverſe of ſituation, in America, where a waſte of property and a group of political evils accompany a bad taſte, the ſacrifice admits of no apology.

It is not unfrequent to hear ladies complain ſeverely of the inconvenience of faſhion. Their good ſenſe diſapproves and their taſte revolts at incumbrances. And yet where is the lady who would not ſooner ſubmit to any fatigue, rather than be ridiculous. I ſpeak of ladies particularly; in point of expenſe, the gentlemens' dreſſes are exceptionable as well as the ladies; in point of convenience, the ladies are the greateſt ſufferers by faſhion,

faſhion, as their dreſs admits of the greateſt variety of incumbrances.

Perhaps the trouble of conforming entirely to the faſhions of Europe is as great a tax upon the ladies, as the expenſe is to their huſbands and parents.

One ſociety of people, the Friends, are happily releaſed from the tyranny and inconveniencies of faſhion. However diſagreeable the reſtraints of their religion may appear in other reſpects, it muſt be acknowledged that, in point of dreſs, the rules of their ſociety conform to purity of taſte.

Perhaps we may ſafely eſtimate, that the ladies of that ſociety dreſs with two thirds of the expenſe which other ladies incur, even when the articles of their dreſs are equally rich and expenſiv; the difference is ſaved by neglecting ſuperfluous finery. And are not their taſte in dreſs, their ſimplicity and neatneſs, univerſally admired? Does it not ſet off their perſons to the beſt advantage? Do not gentlemen almoſt univerſally give the preference to the taſte of Quaker ladies? Nay, I would aſk, whether other ladies themſelves, under a ſtrong bias in favor of a tawdry dreſs, are not frequently laviſhing encomiums on the ſuperior elegance and convenience of the Friends' dreſſes? And how often do they ſigh beneath the trouble of their own dreſs, and wiſh that particular articles would go out of faſhion.

If there is any thing on earth, which can make a rational mind diſguſted with ſociety, it is that cruel neceſſity, which obliges a perſon to ſacrifice both his intereſt and his taſte, or run the hazard of being laughed at for his ſingularity.

In ſome Aſiatic countries, people never change their modes of dreſs. This uniformity, which continues for ages, proceeds from the ſame principles as the monthly changes in England and France; both proceed from neceſſity and policy. Both ariſe from good cauſes which operate in the ſeveral governments; that is, the manners of each government are ſubſervient to its particular intereſt. The reverſe is true of this country.

country. Our manners are wholly ſubſervient to the intereſt of foreign nations. Where do we find, in dreſs or equipage, the leaſt reference to the circumſtances of this country! Is it not the ſole ambition of the Americans to be juſt like other nations, without the means of ſupporting the reſemblance? We ought not to harbor any ſpleen or prejudice againſt foreign kingdoms. This would be illiberal. They are wiſe, they are reſpectable. We ſhould deſpiſe the man that piques himſelf on his own country, and treats all others with indiſcriminate contempt. I wiſh to ſee much leſs jealouſy and ill nature ſubſiſting between the Americans and Engliſh. But in avoiding party ſpirit and reſentment on the one hand, we ſhould be very careful of ſervility on the other. There is a manly pride in true independence, which is equally remote from inſolence and meanneſs; a pride that is characteriſtic of great minds. Have Americans diſcovered this pride ſince the declaration of peace? We boaſt of independence, and with propriety. But will not the ſame men, who glory in this great event, even in the midſt of a gaſconade, turn to a foreigner and aſk him, "what is the lateſt faſhion in Europe!" He has worn an elegant ſuit of clothes for ſix weeks; he might wear it a few weeks longer, but it has not ſo many buttons as the laſt ſuit of my lord ——: He throws it aſide, and gets one that has. The ſuit coſts him a ſum of money; but it keeps him in the faſhion, and feeds the poor of Great Britain or France. It is a ſingular phenomenon, and to poſterity it will appear incredible, that a nation of heroes, who have conquered armies, and raiſed an empire, ſhould not have the ſpirit to ſay—*we will wear our clothes as we pleaſe.*

Let it not be thought that this is a trifling ſubject; a matter of no conſequence. Mankind are governed by opinion; and while we flatter ourſelves that we enjoy independence, becauſe no foreign power can impoſe laws upon us, we are groaning beneath the tyranny of opinion; a tyranny more ſevere than the laws of monarchs; a dominion voluntary indeed, but for that reaſon,

ſon, more effectual; an authority of manners which commands our ſervices, and ſweeps away the fruits of our labor.

I repeat the ſentiment with which I began; the revolution of America is yet incomplete. We are now in a ſituation to anſwer all the purpoſes of the European nations; independent in government, and dependent in manners. They give us their faſhions, they direct *our* taſte to make a market for *their* commodities; they engroſs the profits of our induſtry, without the hazard of defending us, or the expenſe of ſupporting our civil government. A ſituation more favorable to *their* intereſt, or more repugnant to our *own*, *they* could not have choſen for us, nor *we* embraced.

If ſuch is the ſtate of facts, and if the influence of foreign manners does actually defeat the purpoſes of the revolution; if our implicit ſubmiſſion to the prevailing taſte of European courts, involves individuals and the public in unneceſſary expenſes, it is in the power of a few influential characters in each of our commercial cities to remedy the whole evil. And in a reformation of this kind, the ladies would have no inconſiderable ſhare.

It is really a matter of aſtoniſhment, that the pride of the Americans has ſo long ſubmitted tamely to a foreign yoke. Aſide of all regard to intereſt, we ſhould expect that the idea of being a nation of apes would mortify minds accuſtomed to freedom of thought, and would prompt them to ſpurn their chains.

Have the ladies in America no ingenuity, no taſte? Do they not underſtand what dreſſes are moſt convenient and elegant? What modes are beſt adapted to the climate, or other circumſtances of this country? They moſt certainly do. Foreigners acknowlege that the nativ beauty and underſtanding of the American ladies are not excelled in any country, and equalled in very few. And one would imagin that the modes of embelliſhing ſo many perſonal charms ought not, in all caſes, to be preſcribed by the milliners and manteau makers on the other ſide of the Atlantic. A noble

pride

pride ſhould forbid that ladies of birth and breeding ſhould be wholly indebted to the taſte of others, for the decorations of their beauty.

When the gentlemen in America ſhall exerciſe ſpirit enough to be their own judges of taſte in dreſs: When they have wiſdom to conſult the circumſtances of this country, and fortitude enough to retain a faſhion as long as their *own intereſt* requires, inſtead of changing it when *other nations* direct: When the ladies ſhall exerciſe the rights of their ſex, and ſay, we will *give* the laws of faſhion to our *own nation*, inſtead of *receiving* them from *another*, we will perform our part of the revolution: When both ſexes ſhall take more pride and pleaſure in being their own ſtandards, than in being the humble imitators of thoſe who riot on the profits of our commerce; we ſhall realize a new ſpecies of independence; an independence flattering to generous minds, and more productive of wealth than all the laws of power, or the little arts of national policy. And in this revolution of manners, there needs not any ſacrifice of real dreſs. I will venture to eſtimate, that the retrenching of ſuperfluous articles; articles which conſtitute no part of dreſs, and ſerve but to diſfigure an elegant perſon; articles that are made and ſent to us to ſupport the ſixpenny day laborers of Europe; I ſay, a retrenching of theſe trifling articles only, would be an annual ſaving to America ſufficient to pay one half of the intereſt of our federal debt. We can throw no blame on foreign nations; they are wiſe, and profit by our want of ſpirit and taſte.

On the footing that all mankind are brethren, perhaps it is generous in us to aſſiſt foreigners, who are a part of the Great Family.

It is to be wiſhed, however, that we might firſt diſcharge our honeſt debts: That the ſoldier, whoſe labor and blood have purchaſed our empire, and whoſe ſervices have been repaid with a ſhadow of reward, might be indemnified by the juſtice of his country: That the widow and orphan might at leaſt receive the ſtipulated ſatisfaction for loſſes which money cannot repair. Yes,

let

let us firſt be *juſt*, and then *generous*. When we have no better uſe for our ſuperfluous property, then let us beſtow it upon our wretched brethren of the human race. They will repay our charity with gratitude, and bleſs God that he has peopled one half the world with a race of freemen, to enrich the tyrants, and ſupport the vaſſals of the other.

In another particular, our dependence on nations farther advanced in ſociety than ourſelves, has a very unhappy effect.

I aſſume it as a fact, conceded by all philoſophers and hiſtorians, that there has been, in every civilized nation, a particular period of time, peculiarly favorable to literary reſearches; and that in this period, language and taſte arrive to purity; the beſt authors flouriſh, and genius is exerted to benefit mankind.

This period in Greece was the age of Themiſtocles, immediately after the invaſion of Xerxes. In Rome, it was the reign of Auguſtus Cæſar, when a revolution had left the empire in a ſtate of tranquillity. In France, the reign of Louis the XIVth was diſtinguiſhed for the number and eminence of its authors, and the correctneſs of taſte. The correſponding period of taſte in England, commenced about the middle of the ſixteenth century, and ended with the reign of George the IId. Scotland was later in improvement; but perhaps has now ſeen its meridian ſplendor.

There ſeems to be a certain point of improvement beyond which every ſtep in refinement is corruption; moral ſentiment is poſtponed to wit, and ſenſe is ſacrificed to ſound. This has been the caſe in all nations, and is now true of England. The candid among the nation acknowlege and lament the decline of true taſte and ſcience. Very few valuable writings appear in the preſent age; plays, novels, farces, and compilations fill the catalogue of new publications; and the library of a man of faſhion conſiſts of Cheſterfield's Letters, Triſtram Shandy, and a few comedies.

A gentleman in high office in London, in a letter to an eminent literary character in America, which I had the

the honor to read, informs, "that ſo low is the taſte of the nation, that were Milton's Poem to be now firſt publiſhed, it would not find purchaſers: Muſic and painting are the only arts that have royal encouragement." He ſays further, "that there is a national combination to oppoſe the fame of every American art, production and character." I would hope that this account is an exaggeration of the truth; but we have the beſt teſtimony to convince us that every thing is ſacrificed to amuſement and pleaſure.

We ought not therefore to form our taſte after ſuch models: In order to write, think and act with propriety, we ſhould go back half a century, to the ſtyle and morality of Addiſon and his cotemporaries; there we may find the moſt perfect models.

By making the preſent taſte of Europe our ſtandards, we not only debaſe our own, but we check the attempts of genius in this country.

Eminence is ſometimes apt to impoſe errors upon people, whoſe reſpect for the character may ſilence all ſcruple, and prevent them from examining into the grounds of his opinion. Such is the implicit confidence repoſed in the opinions of certain celebrated writers, that when an American ventures to call in queſtion a received principle or opinion of theirs, his countrymen charge him with arrogance, and exclaim, how ſhould this man be as good a judge of the ſubject as a foreigner! Such falſe notions of the perfection of particular characters, fetter the mind, and in concert with credulity and idleneſs, prepare it for the reception of any errors, however enormous.

This ſame veneration for eminent foreigners, and the bewitching charms of faſhion, have led the Americans to adopt the modern corruptions of our language. Very ſeldom have men examined the ſtructure of the language, to find reaſons for their practice. The pronunciation and uſe of words have been ſubject to the ſame arbitrary or accidental changes, as the ſhape of their garments. My lord wears a hat of a certain ſize and ſhape; he pronounces a word in a certain manner;

ner; and both muſt be right, for he is a faſhionable man. In Europe this is right in dreſs; and men who have not an opportunity of learning the juſt rules of our language, are in ſome degree excuſeable for imitating thoſe whom they conſider as ſuperiors. But men of ſcience, this imitation can hardly be excuſed.

Our language was ſpoken in purity about eighty years ago; ſince which time, great numbers of faults have crept into practice about the theater and court of London. An affected erroneous pronunciation has in many inſtances taken place of the true; and new words or modes of ſpeech have ſucceeded the ancient correct Engliſh phraſes.

Thus we have, in the modern Engliſh pronunciation, their natſhures, conjunctſhures, conſtitſhutions, and tſhumultſhuous legiſlatſhures; and a long catalogue of faſhionable improprieties. Theſe are a direct violation of the rules of analogy and harmony; they offend the ear, and embarraſs the language. Time was, when theſe errors were unknown; they were little known in America before the revolution. I preſume we may ſafely ſay, that our language has ſuffered more injurious changes in America, ſince the Britiſh army landed on our ſhores, than it had ſuffered before, in the period of three centuries. The bucks and bloods tell us that there is no proper ſtandard in language; that it is all arbitrary. The aſſertion, however, ſerves but to ſhow their ignorance. There are, in the language itſelf, deciſive reaſons for preferring one pronunciation to another; and men of ſcience ſhould be acquainted with theſe reaſons. But if there were none, and every thing reſted on practice, we ſhould never change a general practice without ſubſtantial reaſons: No change ſhould be introduced, which is not an obvious improvement.

But our leading characters ſeem to pay no regard to rules, or their former practice. To know and embrace every change made in Great Britain, whether right or wrong, is the extent of their inquiries, and the height of their ambition. It is to this deference we

may

may aſcribe the long catalogue of errors in pronunciation and of falſe idioms which diſfigure the language of our mighty fine ſpeakers. And ſhould this imitation continue, we ſhall be hurried down the ſtream of corruption, with older nations, and our language, with theirs, be loſt in an ocean of perpetual changes. The only hope we can entertain is, that America, driven by the ſhock of a revolution, from the rapidity of the current, may glide along near the margin with a gentler ſtream, and ſometimes be wafted back by an eddy.

The foregoing remarks ſuggeſt ſome of the cauſes which operate to defeat the true end of the revolution. Every man ſees and feels our political embarraſſments; the foes of the revolution aſcribe them all to that event, and the friends charge them upon the enmity and reſentment of our parent country. Both are wrong. The revolution is, and will ultimately prove, a happy event for us and for the world. The Engliſh, as a nation, are wiſe and reſpectable: As citizens of the world, we ſhould eſteem them: As a commercial people, we ſhould cultivate a friendly intercourſe with them; but as a foreign nation, whoſe political circumſtances are very different from ours, we ſhould not make them, in all caſes, our ſtandard. I repeat the declaration I before made: The independence of this country is incomplete: There has been a total change in government, with little or no change in the principles which give energy to the operations of government.

In the preceding remarks, I have endeavored to ſhew in what reſpect the revolution of America is yet incomplete, and that an independence of manners and opinion is neceſſary to give full effect to an independence of government. I propoſe now to make ſome remarks on government, to ſtate the effects of the revolution on the morals of people, and the influence of money on mens' ſenſe of juſtice and moral obligation.

It is perhaps a fundamental principle of government, that men are influenced more by habit, than by any abſtract ideas of right and wrong. Few people exam-

in into the propriety of particular uſages or laws; or if they examin, few indeed are capable of comprehending their propriety. But every man knows what is a law or general practice, and he conforms to it, not becauſe it is right or beſt, but becauſe it has been the practice. It is for this reaſon that habits of obedience ſhould not be diſturbed. There are perhaps in every government, ſome laws and cuſtoms, which, when examined on theoretical principles, will be found unjuſt and even impolitic. But if the people acquieſce in thoſe laws and cuſtoms, if they are attached to them by habit, it is wrong in the Legiſlature to attempt an innovation which ſhall alarm their apprehenſions. There are multitudes of abſurdities practiſed in ſociety, in which people are evidently happy. Arraign thoſe abſurdities before the tribunal of examination; people may be convinced of their impropriety; they may even be convinced that better ſchemes may be projected; and yet it might be impoſſible to unite their opinions ſo as to eſtabliſh different maxims. On the other hand, there are many good inſtitutions, in which, however, there may be theoretical faults, which, if called into public view, and artfully repreſented, might ſhake the beſt government on earth.

Speculativ philoſophers and hiſtorians have often deſcribed, and ſometimes ridiculed the warmth with which nations have defended errors in religion and government. With the moſt profound deference for wiſe and reſpectable men, I muſt think they are guilty of a miſtake; and that the errors which nations fight to defend, exiſt only in the heads of theſe theoriſts. Whatever ſpeculation may tell us, experience and the peace of ſociety, require us to conſider every thing as right, which a nation believes to be ſo. Every inſtitution, every cuſtom, may be deemed juſt and proper, which does not produce inconveniencies that the bulk of mankind may ſee and feel. The tranquillity of ſociety therefore ſhould never be diſturbed for a philoſophical diſtinction.

It

It will perhaps be objected, that theſe doctrines, if practiſed, would prevent all improvements, in ſcience, religion and government. By no means; but they point out the method in which all improvements ſhould be made, when opinion and fixed habits are to be overthrown, or changed. They ſhow that all reformation ſhould be left to the natural progreſs of ſociety, or to the conviction of the mind. They ſhow the hazard and impracticability of making changes, before the minds of the body of the people are prepared for the innovation. I ſpeak not of deſpotic governments, where the will of the prince is enforced by an army; and yet even abſolute tyrants have been aſſaſſinated for not attending to the ſpirit and habits of their ſubjects.

In vain do rulers oppoſe the general opinion of the people. By ſuch oppoſition, Philip IId, of Spain, kept one part of his ſubjects, for half a century, butchering the other, and in the end, loſt one third of his dominions. By not regarding the change of habits in the nation, Charles Iſt, of England, loſt his head. By carrying his changes too far, Cromwell began to oppoſe the ſpirit of the nation, and had he lived to proſecute his ſyſtem, that ſpirit would, in a few years, have brought his neck to the block. The general ſpirit of the nation reſtored to the throne, the ſon of the prince, whom that ſpirit had but a few years before arraigned and condemned. By oppoſing that ſpirit, James was obliged to leave his kingdom, and the ſenſe of the nation ſtill excludes the family which, by their own law of ſucceſſion, has the beſt title to the throne. But there is no preſcription againſt general opinion; no right that can enter the liſt againſt the ſenſe of a nation; that ſenſe, which after all our reaſoning, will forever determin what is beſt.

The truth of theſe remarks is proved by examples in this country. An immenſe revenue might have been drawn from America without reſiſtance, in almoſt any method but that which the Britiſh parliament adopted. But their firſt attempts were made upon articles of

common neceſſity; the attempts were too viſible; the people felt and reſiſted. Their apprehenſions were alarmed; their fears, whether well founded or imaginary, were multiplied and confirmed by newſpaper rhapſodies, and finally produced a combined oppoſition to all Britiſh taxation. Then Great Britain ſhould have compounded; ſhe did not; ſhe oppoſed the general ſenſe of three millions of her ſubjects, and loſt the whole.

A diſpute exiſted between Connecticut and Penſylvania, reſpecting a tract of land; a federal court decided the juriſdiction, or State claim, in favor of Penſylvania; five thouſand inhabitants, ſeated on the lands, acknowlege the juriſdiction, but contend that their original purchaſe, and ſubſequent labor, entitle them to the lands. Notwithſtanding the invalidity of their State claim, the ſettlers determin to maintain their lands. The queſtion of right is at once ſuſpended, and the only inquiry is, which is the beſt policy, to indemnify a few individuals by a pecuniary compoſition, or ſacrifice five thouſand ſubjects. This queſtion, left to the commonwealth, would be decided by a great majority, in favor of the ſettlers, and againſt the very principles of right on which the State holds the juriſdiction.

I am not competent to judge of the merits of the diſpute between New York and Vermont; but if the uſurpation of Vermont were a conceded fact, and that uſurpation to be defended by arms, and the queſtion of granting them independence were left to the State of New York, I am confident that nine tenths of the people would decide for the independence of Vermont againſt their own rights.

Thus it often happens, that a general opinion, grounded on rational expediency, will, and ought to decide political queſtions, contrary to the ſtrict principles of juſtice and equity.

I would, by no means, be underſtood to defend, by ſuch doctrines, the inſurrections of a neighboring State. I reprobate every thing that wears the leaſt appearance of

of oppoſition to lawful authority. It is evident however, that the Legiſlature of Maſſachuſetts were too inattentive to the general ſpirit of the State. The murmurs of the people were heard long before they broke out into rebellion, and were treated with too much neglect. They were a proof at leaſt that ſomething was wrong. This the Legiſlature acknowleged in their late acts, and the complaints of the populace might once have been ſilenced by ſuch conciliatory meaſures.

But an oppoſition ſo violent muſt ſuddenly ceaſe, or acquire ſyſtem. In the latter caſe, the demands of the inſurgents will riſe in proportion to their ſtrength; they will aſk unreaſonable conceſſions, and the ſword muſt decide their claims. The inſurgents took wrong ſteps to obtain redreſs; they ſhould have reſted their grievances on petitions, and the event of an election; but one raſh ſtep leads to a ſecond, and to a third. Theſe fatal effects of popular diſcontent afford one uſeful leſſon, that rulers ſhould not attempt to carry a meaſure againſt the general voice of a people.* But a queſtion will ariſe, how far may the people be oppoſed, when their ſchemes are evidently pernicious? I anſwer, this can never happen thro deſign; and errors, even of the populace, may gradually be removed. If the people cannot be convinced, by reaſon and argument, of the impolicy or injuſtice of a favorite ſcheme, we have only to wait for the conſequences to produce conviction. All people are not capable of juſt reaſoning on the great ſcale of politics; but all can feel the inconveniencies

* Some have ſuſpected from theſe ſentiments, that I favor the inſurrection in Maſſachuſetts. If it is neceſſary to be more explicit than I have been in the declaration, "*I reprobate, &c.*" I muſt add, that in governments like ours, derived from the people, I believe there is no *poſſible ſituation* in which violent oppoſition to laws can be juſtified; becauſe it can never be neceſſary. *General evils* will always be legally redreſſed, and *partial evils* muſt be borne, if the majority require it. A tender law, which interferes with *paſt* contracts, is perhaps the wickedeſt act that a Legiſlature can be guilty of; and yet I think the people in Rhode Iſland have done right, in not oppoſing their's, in a violent manner.

niencies of wrong meaſures, and evils of this kind generally furniſh their own remedy. All popular Legiſlatures are liable to great miſtakes. Many of the acts of the American Legiſlatures, reſpecting money and commerce, will, to future generations, appear incredible. After repeated experiments, people will be better informed, and aſtoniſhed that their fathers could make ſuch blunders in legiſlation.

If the people of this State* are not already convinced, they certainly will be, that the addition of 150,000l. of paper, to the current ſpecie of the State, did not increaſe the permanent value of circulating medium a ſingle farthing. They were perhaps told that ſuch a ſum of paper would ſhut up the ſpecie, or enable the merchant to export it; but their jealouſy made them believe theſe the ſuggeſtions of intereſt; and nothing but the experiment could ſatisfy their wiſhes. Every man of reflection muſt regret that he is ſubject to the evils conſequent on popular miſtakes in judgement; but this is the price of our independence and our forms of government.

Let us attend to the immediate and neceſſary conſequences of the American revolution.

So great an event as that of detaching millions of people from their parent nation, could not have been effected without the operation of powerful cauſes. Nothing but a ſeries of real or imaginary evils could have ſhaken the habits by which we were governed, and produced a combined oppoſition againſt the power of Great Britain. I ſhall not enumerate any of theſe evils; but obſerve that ſuch evils, by twenty years operation upon the fears or feelings of the Americans, had alienated their affections or weakened thoſe habits of reſpect, by which they were prediſpoſed to voluntary obedience. When a government has loſt reſpect, it has loſt the main pillar of its authority. Not even a military force can ſupply the want of reſpect among ſubjects. A change of ſentiment prepares the way for a change of government, and when that change of ſentiment

* Penſylvania.

timent had become general in America, nothing could have prevented a revolution.

But it is more eaſy to excite fears than to remove them. The jealouſy raiſed in the minds of Americans againſt the Britiſh government, wrought a revolution; but the ſpirit did not then ſubſide; it changed its object, and by the arts of deſigning men, and the real diſtreſſes conſequent on ſuch a political ſtorm, was directed againſt our own governments. The reſtraints impoſed by reſpect and habits of obedience were broken thro, and the licentious paſſions of men ſet afloat.

Nothing can be ſo fatal to morals and the peace of ſociety, as a violent ſhock given to public opinion or fixed habits. Polemic diſputes have often deſtroyed the friendſhip of a church, and filled it, not only with rancor, but with immorality. Public opinion therefore in religion and government, the great ſupports of ſociety, ſhould never be ſuddenly unhinged. The ſeparation of America, however, from all dependence on European government, could not have been effected without previouſly attacking and changing opinion. It was an eſſential ſtep, but the effects of it will not eaſily be repaired. That independence of ſpirit which preceded the commencement of hoſtilities, and which victory has ſtrengthened; that love of dominion, inherent in the mind of man, which our forms of government are continually flattering; that licentiouſneſs of inquiry which a jealouſy of rights firſt produced and ſtill preſerves, cannot be controled and ſubdued, but by a long ſeries of prudent and vigorous meaſures.

Perhaps the preſent age will hardly ſee the reſtoration of perfect tranquillity. But the ſpirit and principles, which wrought our ſeparation from Great Britain, will moſtly die with the preſent generation; the next generation will probably have new habits of obedience to our new governments; and habits will govern them, with very little ſupport from law.

The force of habit in government is moſt ſtrikingly illuſtrated by the example of Connecticut. Moſt of the laws, cuſtoms and inſtitutions, which the people brought

brought with them from England, or which they introduced, on their firſt ſettlement, remain to this day, with ſuch ſmall alterations only as would naturally be made in the progreſs of ſociety and population.

The government of Connecticut had formerly little more than a nominal dependence on England; independence therefore required but a little change of the old conſtitution. The habits of the people have not been materially changed; their reſpect for the government has not been ſuſpended nor diminiſhed. It would therefore be extremely difficult to raiſe an inſurrection in that State againſt their own government;* for they have not been accuſtomed to diſpute the propriety of their eſtabliſhed maxims and laws. Whatever alterations in their conſtitution, a diſcerning Legiſlator might ſuggeſt, it would be highly impolitic to attempt any changes, which ſhould diſturb public opinion or alarm apprehenſion. When a law or cuſtom becomes inconvenient, the people will feel the evil and apply a remedy.

Moſt of the other States had new conſtitutions of government to form; they had a kind of interregnum; an interval, when reſpect for all government was ſuſpended; an interval fatal in the laſt degree, to morals and ſocial confidence. This interval between the abolition of the old conſtitution and the formation of a new one, laſted longer in Maſſachuſetts than in the other States, and there the effects are moſt viſible. But perhaps it is impoſſible to frame a conſtitution of government, in the cloſet, which will ſuit the people; for it is frequent to find one, the moſt perfect in theory, the moſt objectionable in practice. Hence we often hear popular complaints againſt the preſent governments in America: And yet theſe may proceed rather from the novelty of the obedience required, than from any real errors

* This aſſertion may ſeem to be contradicted by the oppoſition of Connecticut to the half pay act; but that oppoſition did not even threaten violence or arms: It was conducted in a peaceable manner; and I do not know that the State has furniſhed an inſtance of a tumultuous interruption of law.

errors or defects in the ſyſtems: It may be nothing but the want of habit which makes people uneaſy; the ſame articles which now produce clamors and diſcontent, may, after twenty years practice, give perfect ſatisfaction. Nay, the ſame civil regulation, which the preſent generation may raiſe a mob to reſiſt, the next generation may raiſe a mob to defend.

But perhaps a more immediate and powerful cauſe of a corruption of ſocial principles, is a fluctuation of money. Few people ſeem to attend to the connexion between money and morals; but it may doubtleſs be proved to the ſatisfaction of every reflecting mind, that a ſudden increaſe of ſpecie in a country, and frequent and obvious changes of value, are more fruitful ſources of corruption of morals than any events that take place in a community.

America began the late war without funds of money, and its circulating ſpecie was very inconſiderable. Commerce was regular, and *ſpeculation*, a term unknown to the body of the people.

The emiſſion of paper was an obvious and neceſſary expedient; yet it was bad policy to throw vaſt ſums into circulation without taking ſome meaſures to recall it. It was the fate of America to receive in bills of credit, and in the courſe of three or four years, about twenty times the nominal value of its current ſpecie; the bills depreciated in the ſame proportion, and the real value of the medium continued the ſame.

The firſt viſible effect of an augmentation of the medium and the conſequent fluctuation of value, was, a hoſt of jockies, who followed a ſpecies of itinerant commerce; and ſubſiſted upon the ignorance and honeſty of the country people; or in other words, upon the difference in the value of the currency, in different places. Perhaps we may ſafely eſtimate, that not leſs than 20,000 men in America, left honeſt callings, and applied themſelves to this knaviſh traffic. A ſudden augmentation of currency flattered people with the proſpect of accumulating property without labor.

The

The firſt effect of too much money is to check manual labor, the only permanent ſource of wealth. Induſtry, which ſecures ſubſiſtence and advances our intereſt by ſlow and regular gains, is the beſt preſervative of morals; for it keeps men employed, and affords them few opportunities of taking unfair advantages. A regular commerce has nearly the ſame effect as agriculture or the mechanic arts; for the principles are generally fixed and underſtood.

Speculation has the contrary effect. As its calculations for profit depend on no fixed principles, but ſolely on the different value of articles in different parts of the country, or accidental and ſudden variations of value, it opens a field for the exerciſe of ingenuity in taking advantage of theſe circumſtances. The ſpeculator may begin with honeſt intentions; and may juſtify his buſineſs, by ſaying, that he injures no man, when he givs the current value of an article in one place, and ſells it for its current value in another; altho in this caſe he is a uſeleſs member of ſociety, as he livs upon the labor of others, without earning a farthing. But he does not ſtop here; he takes an advantage of ignorance and neceſſity; he will, if poſſible, monopolize an article to create a neceſſity. Repeated opportunities of this kind gradually weaken the force of moral obligation; and nine perſons of ten, who enter into the buſineſs of ſpeculation with a good character, will, in a few years, loſe their principles, and probably, their reputation.

Speculation is pernicious to morals, in proportion as its effects are extenſiv. Speculation in the Engliſh funds is practiſed on principles deſtructiv of juſtice and morals; but it conſiſts in the transfer of large ſums; the contingencies on which it depends are not frequent; and the buſineſs is confined to a few ſharpers in the metropolis. Such a ſpeculation affects not the body of the people. The medium circulating in the kingdom, has a fixed permanent value, and affords no opportunities for irregular gains.

Very

Very different is ſpeculation in America. Here its objects are in every perſon's hands; changes of value are frequent; opportunities of gain, numberleſs; and the evil pervades the community. The country ſwarms with ſpeculators, who are ſearching all places, from the ſtores of the wealthy, to the receſſes of indigence, for opportunities of making lucrativ bargains. Not a tavern can we enter, but we meet crowds of theſe people, who wear their character in their countenances.

But the ſpeculators are not the only men whoſe character and principles are expoſed by ſuch a ſtate of the currency; the honeſt laborer and the regular merchant are often tempted to forſake the eſtabliſhed principles of advance. Every temptation of this kind attacks the moral principles, and expoſes men to ſmall deviations from the rectitude of commutativ juſtice.

Such are the ſources of corruption in commercial intercourſe. A relaxation of principle, in one inſtance, leads to every ſpecies of vice, and operates till its cauſes ceaſe to exiſt, or till all the ſupports of ſocial confidence are ſubverted. It is remarked by people very illiterate and circumſcribed in their obſervation, that there is not now the ſame confidence between man and man, which exiſted before the war. It is doubtleſs true; this diſtruſt of individuals, a general corruption of manners, idleneſs, and all its train of fatal conſequences, may be reſolved into two cauſes: The ſudden flood of money during the late war, and a conſtant fluctuation of the value of the currencies.

The effects of a ſudden augmentation of the quantity of money in circulation were ſo obvious, during the war, and the example is ſo recent, that the ſubject requires no illuſtration, but a recollection of facts. Yet there is an example recorded in the Hiſtory of France, ſo exactly in point, that I cannot omit it.

During the regency of the Duke of Orleans, one Law, who had fled from puniſhment in Scotland, and taken refuge in France, obtained, by his addreſs, a great ſhare of confidence in the councils of the regent. He formed

formed a plan of drawing all the ſpecie from circulation, and iſſuing bills upon the royal treaſury. It is not neceſſary to name the expedients he uſed to effect his purpoſe. It is ſufficient to obſerve, that by various methods, he drew moſt of the ſpecie of the kingdom into the public treaſury, and iſſued bills to about one hundred times the value of the ſpecie, which had before circulated. The notes or ſecurities depreciated as they were thrown into circulation, like our continental currency. The nature of a medium of trade, it ſeems, was not well underſtood: Such a ſudden depreciation was a ſurpriſing phenomenon at that period; men of property, who were the holders of the paper, were alarmed; the kingdom was in confuſion. When the bills had ſunk to a fifth of their value, a royal edict was iſſued, ordaining that the remaining ſpecie in circulation ſhould be ſunk to a level with paper. This reſembles, in ſome reſpects, the regulation of prices in America. An edict, ſo raſh and abſurd, increaſed the evils it was meant to remedy, and filled the kingdom with clamor.

In a ſhort time, the paper was ſunk as low as our continental currency, before its death.

The confuſion was general; the regent and Law were obliged to fly the kingdom; and both died in obſcurity, the one in Italy, and the other, if I miſtake not, in the Netherlands. In France there was a total change of property; poor men made fortunes by ſpeculation, and the rich were beggared. The reſult of the whole was, that the paper was called in at a diſcount, by means ſimilar to the *forty for one* act of the United States.

But the principal view I have in ſtating this example is, to ſhow the effect of a ſudden inundation of money upon induſtry and morals. No ſooner did the nation feel an increaſe of the quantity of money, but the kingdom was overrun with ſpeculators; men who left uſeful occupations, for the proſpect of rapid accumulations of wealth. Knavery, over reaching, idleneſs, prodigality, and every kind of vice prevailed, and filled the kingdom with diſtreſs, confuſion, and poverty.

The

The South Sea bubble, in England, was a farce of a ſimilar kind, but its effects were leſs extenſiv.

The continental currency was not the ſole cauſe of the idleneſs and ſpeculation, which prevailed in this country, about the years 1780, 1781, and 1782. Vaſt quantities of ſpecie were introduced by the French army, by the Spaniſh trade, and by a clandeſtine intercourſe with the Britiſh garriſons. At the cloſe of the war, there was more than double the quantity of gold and ſilver in the country, which was neceſſary for the purpoſes of a regular commerce.

This extraordinary circulation of ſpecie had its uſual, its certain effect; it prompted multitudes to quit manual labor for trade. This circumſtance, in conjunction with the diſbanding of the army, which left great numbers of men without employment, and with a rage for foreign goods, which was always ſtrong, and was then increaſed by a long war, filled our commercial towns with hoſts of adventurers in buſineſs. The conſequent influx of goods and enormous credit neceſſary to obtain them, are evils that deeply affect this country. I will not attempt a detail of the ſtate of commerce in the United States; but obſerve that the neceſſary exportation of ſpecie was the happieſt event that could befal the United States; the only event that could turn induſtry into its proper channel, and reduce the commerce of the country to a proportion with the agriculture.

Diſſipation was another conſequence of a flood of money. No country perhaps on earth can exhibit ſuch a ſpirit of diſſipation among men, who derive their ſupport from buſineſs, as America. It is ſuppoſed by good judges, that the expenſes of ſubſiſtence, dreſs and equipage, were nearly doubled in the commercial towns, the two firſt years of the peace. I have no doubt the ſupport of the common people was enhanced twenty five per cent. This augmentation of expenſes, with a diminution of productiv induſtry, are the conſequences of too much money, and a ſcarcity is our only remedy.

Short

Short ſighted people complain of the preſent ſcarcity; but it is the only hope of our political ſalvation! and that Legiſlature which ventures to remove popular complaints, by a coinage of great quantities of ſpecie, or by its ſubſtitute, paper, checks induſtry, keeps alive a ſpirit of diſſipation, and retards the increaſe of ſolid wealth. If this has been neceſſary, it is a neceſſity ſincerely to be lamented.

But there is one ſource of idleneſs and corruption, which is general in America, and bids fair to be of long duration. I refer to the different ſpecies of federal and State ſecurities, which are every where diffuſed, and of fluctuating value. Theſe evidences of our debts open ſuch proſpects for rapid accumulations of property to every claſs of people, that men cannot withſtand the temptation: Thouſands are drawn from uſeful occupations into a courſe of life, which cannot poſſibly benefit ſociety; which muſt render them uſeleſs, and probably will render them bad men, and dangerous members of a community.

What remedy can be applied to ſo great an evil, it is not for me to determin. But if I may offer my ſentiments freely, I muſt acknowlege that I think no meaſure can produce ſo much miſchief, as the circulation of a depreciated changeable currency. Let all our debts be placed on the footing of bank ſtock, and made transferable only at the treaſury; or let the preſent evidences of it be called in, and new notes iſſued, payable only to the creditor or original holder; or let the ſecurities be purchaſed at their current diſcount, let ſome method be adopted to draw them from circulation; for they deſtroy public and private confidence; they cut the ſinews of induſtry; they operate like a ſlow poiſon, diſſolving the *ſtamina* of government, moral principles.

No paper ſhould circulate in a commercial country, which is not a repreſentativ of ready caſh; it muſt at leaſt command punctual intereſt, and ſecurity of the principal when demanded. Without theſe requiſits, all notes will certainly depreciate. Moſt of our public ſecurities want all the requiſits of a paper currency.

But

But if they did not; if they were equal in value to bank notes or ſpecie, ſtill the ſums are much too large for a circulating medium in America. The amount of the continental and State certificates, with the emiſſions of paper by particular States, cannot be leſs than ſeventy millions of dollars, which is ſeven times the ſum neceſſary for a circulation.

Were they equal in value to gold and ſilver, the whole medium would depreciate, ſpecie as well as paper. But as they want every requiſit of a paper currency, the whole depreciation falls upon the ſecurities.

An alarming conſequence of the State of our public debt remains to be conſidered. Want of confidence in the public, added to the vaſt quantity of paper, has ſunk it to a third, fixth, or eighth part of its nominal value. Moſt of the creditors of the public have parted with their ſecurities at a great diſcount, and are thus robbed of the monies which they earned by the ſweat of the brow. Men of property have purchaſed them for a trifle, and in ſome States receive the intereſt in ſpecie. In Maſſachuſetts, this is the caſe with reſpect to ſome part of the State debt. When a man buys a note of twenty ſhillings value for five, and receives the intereſt, ſix per cent. in ſpecie, he in fact receives twenty four per cent. on his money.

This is one ſource of the inſurrection in Maſſachuſetts. The people feel the injuſtice of paying ſuch an intereſt to men who earned but a ſmall part of it, and whoſe ſole merit is, that they have more money than their fellow citizens who ſuffer the loſs by depreciation. Thoſe men in particular, who fought for our independence, or loaned their property to ſave the country, view with indignant reſentment, that law which obliges them to pay twenty four per cent. intereſt on the ſecurities, which they have ſold for a fourth, or an eighth part of their honeſt demands.

This cannot juſtify the violent ſteps taken by the people; becauſe petitions, and united firmneſs in a conſtitutional way, would have procured redreſs. But

I ſtate

I ſtate the facts to ſhew the effects of ſpeculation, or rather, of the want of faith in public engagements.

Such are the conſequences of a variable medium; neglect to induſtry; application to irregular commerce; relaxation of principles in ſocial intercourſe; diſtruſt of individuals; loſs of confidence in the public, and of reſpect for laws; innumerable acts of injuſtice between man and man, and between the State and the ſubject; popular uneaſineſs, murmurs and inſurrections. And ſuch effects will exiſt till their cauſe ſhall be removed. Not the creation of a Supreme Power over the United States, is an object of more importance, than the annihilation of every ſpecies of fluctuating currency.

That inſtability of law, to which republics are prone, is another ſource of corruption. Multiplication and changes of law have a great effect in weakening the force of government, by preventing or deſtroying habits. Law acquires force by a ſteady operation, and government acquires dignity and reſpect, in proportion to the uniformity of its proceedings. Neceſſity perhaps has made our federal and provincial governments frequently ſhift their meaſures, and the unforeſeen or unavoidable variations of public ſecurities, with the impoſſibility of commanding the reſources of the continent, to fulfil engagements, all predict a continuation of the evil. But the whole wiſdom of Legiſlatures ſhould be exerted to deviſe a ſyſtem of meaſures which may preclude the neceſſity of changes that tend to bring government into contempt.

A mild or lax execution of law may alſo have a bad effect in leſſening the reſpect for its officers. In a monarchy, there is no reaſoning with the executive; the will of the prince inſpires terror. In our governments, the officers are often familiar, and will even delay juſtice as long as poſſible to aſſiſt the priſoner.

In ſome of the eaſtern States, the frequency and mildneſs of laws, have introduced very ſingular habits. The people of Connecticut reſpect the laws as much as any people; they would not be guilty of diſobedience; they mean generally to pay their debts, but are not

not very anxious to be punctual. They ſuppoſe a creditor can wait for his money longer than the period when it is due, and think it hard if he will not.*

This mild execution of law, and a conſequential habit of dilatorineſs, which ariſe from the ſpirit of equality, are ſtill prevalent amongſt the body of the people. Theſe gave riſe to the late incorporation of ſeveral commercial towns, with large powers; an expedient which has anſwered the purpoſe of giving to commerce the advantage of energy and diſpatch in the collection of debts. As moſt of the buſineſs is done in the cities, this effect will gradually extend itſelf, and form different habits.

The great misfortune of the multiplicity of laws and frequency of litigation, is, that they weaken a reſpect for the executiv authority, deſtroy the principle of honor, and transfer the diſgrace, which ought to follow delinquency in payment, from a man's reputation, to the adminiſtration of juſtice. The lawyers and courts are impeached, when the whole blame ought to fall upon the debtor for his impunctuality. Honor, a ſubſtitute for honeſty, has more influence upon men than law; for in the one caſe, a man's character is at ſtake, and in the other, his property. When a man's character ſuffers not, by a failure of engagements, and by a public proſecution, the collection of debts muſt be ſlow. But when a man's reputation is ſuſpended on the punctual diſcharge of his contracts, he will ſpare no pains to do it; and this is or ought to be the caſe in all commercial countries.

Extenſiv credit, in a popular government, is always pernicious, and may be fatal. When the people are deeply or generally involved, they have power and ſtrong temptations to introduce an abolition of debts; an agrarian law, or that modern refinement on the Roman plan, which is a ſubſtitute for both, a paper currency, iſſued on depreciating principles. Rhode Iſland is

* Theſe remarks are not applicable to the mercantile part of the people, who, ſince the revolution, have been diſtinguiſhed by their punctuality.

is a melancholy proof of this truth, and New Hampſhire narrowly eſcaped the deplorable evils. In governments like ours, it is policy to make it the intereſt of people to be honeſt. In ſhort, the whole art of governing conſiſts in binding each individual by his particular intereſt, to promote the aggregate intereſt of the community.

Maſſachuſetts affords a ſtriking example of the danger incurred by too many private debts. During the war the operation of juſtice was neceſſarily ſuſpended, and debts were conſtantly multiplying and accumulating. When law came to be rigorouſly enforced, the people were diſtreſſed beyond meaſure, particularly in the weſtern counties, where people are poorer than in the parts of the State better ſettled, and nearer to market. Theſe private debts crowded hard, and operated with the demands of the federal creditors, to puſh the people into violent meaſures.

The planters in Virginia owe immenſe ſums of money to the Britiſh merchants. What is the conſequence? a law, ſuſpending the collection of Britiſh debts. The loſs of their ſlaves is the oſtenſible excuſe for this law; but a more ſolid reaſon muſt be, the utter impoſſibility of immediately diſcharging the debts. In our governments the men who owe the money, make the laws; and a general embarraſſment of circumſtances is too ſtrong a temptation to evade or ſuſpend the performance of juſtice. For this reaſon, the wiſdom of the Legiſlature might cooperate with the intereſt of the merchant, to check a general credit. In ſome caſes it might be ſafe and wiſe to withdraw the protection of law from debts of certain deſcriptions. It is an excellent law in one State, which ordains, that no tavern debt, of more than two days ſtanding, ſhall be recoverable by law. It prevents tavern haunting and its conſequences, idleneſs, drunkenneſs and quarrels. Perhaps laws of this kind have the beſt effect in introducing punctual payments. Their firſt effect is to prevent credit; but they gradually change a man's regard for his property, to a more activ and efficient principle, an attention to his character.

In

In the preſent anarchy in Maſſachuſetts, monied men get credit with the merchant, and are punctual to fulfil engagements, as they are ſenſible that the merchant relies ſolely on their honor. The certain ultimate tendency of withdrawing the protection of law from particular kinds of debts, is to diſcourage tricks and evaſions, and introduce habits of punctuality in commerce.

The preſent ſtate of our public credit hath the ſame effect. Repeated violations of public faith, the circulation of a variable medium of trade, the contempt of law, the perpetual fear of new legiſlativ ſchemes for diſcharging our debts, and of tender laws, have made men very cautious in giving credit, and when they do give it, they depend more on the honor of a man than on any ſecurity derived from law. This one happy effect of want of confidence in the public, is ſome ſmall conſolation for an infinite variety of political evils and diſtreſſes.

Laws to prevent credit would be beneficial to poor people. With reſpect to the contraction of debts, people at large, in ſome meaſure, reſemble children; they are not judges even of their own intereſt. They anticipate their incomes, and very often, by miſcalculation, much more than their incomes. But this is not the worſt effect; an eaſy credit throws them off their guard in their expenſes. In general we obſerve that a ſlow, laborious acquiſition of property, creates a caution in expenditures, and gradually forms the miſer. On the other hand, a ſudden acquiſition of money, either by gambling, lotteries, privateering, or marriage, has a tendency to open the heart, or throw the man off his guard, and thus makes him prodigal in his expenſes. Perhaps this is ever the caſe, except when a penurious habit has been previouſly formed.

An eaſy and extenſiv credit has a ſimilar effect. When people can poſſeſs themſelves of property without previous labor, they conſume it with improvident liberality. A prudent man will not; but a large proportion of mankind have not prudence and fortitude

enough to reſiſt the demands of pride and appetite. Thus they often riot on other men's property, which they would not labor to procure. They form habits of indolence and extravagance, which ruin their families, and impoveriſh their creditors.

Another effect of extenſiv credit, is a multitude of lawyers. Every thing which tends to create diſputes, to multiply debts, weaken a regard to commercial engagements, and place the collection of debts on law, rather than on honour, increaſes the encouragement of lawyers. The profeſſion of law is honorable, and the profeſſors, I ſcruple not to aver, as liberal, honeſt and reſpectable, as any claſs of men in the State. But their buſineſs muſt be conſidered as a public evil, except in the drafting of legal inſtruments, and in ſome real important diſputes. Such is the habit of truſting to law, for the recovery of debts, that, in ſome of the eaſtern States, one half or two thirds of the lawyers are mere collectors. They bring forward ſuits for ſmall debts, that are not diſputed; they recover judgement upon default, they take out executions, and live upon their fees.

The evil is not ſo great in the middle States; but it is great in all the States. Never was there ſuch a rage for the ſtudy of law. From one end of the continent to the other, the ſtudents of this ſcience are multiplying without number. An infallible proof that the buſineſs is lucrativ.

The inſurgents in Maſſachuſetts enumerate lawyers among their grievances. They wiſh the Legiſlature to limit their number and their demands. Short ſighted mortals! They ſeem not to conſider that lawyers grow out of their own follies, and that the only radical remedy for the evil is, to contract no more debts than they can pay, with ſtrict punctuality.

The number of profeſſional men in a State ſhould be as few as poſſible; for they do not increaſe the property of the State, but liv on the property acquired by others.

There

There is little danger that the number of clergymen will be too great. In a few inſtances, religious parties may have multiplied their teachers to too great a number, and perhaps in ſome parts of the country, a few more miniſters of the goſpel would be very uſeful.

Phyſicians will multiply in proportion to the luxuries and idleneſs of men. They cannot be limited by law, for people will be as intemperate and as lazy as they pleaſe.

But an artful Legiſlature will take away ſome of the cauſes of litigation, and thus curtail the number of lawyers. We may always determin the degree of corruption, in commercial habits, by the number of civil ſuits in the courts of law. The multiplication of lawyers is a proof of private embarraſſments in any State; it is a convincing proof that in America theſe embarraſſments are numberleſs. The evil is of ſuch magnitude in *ſome* States, as to ſuſpend the operation of law, and in *all* it produces diſtruſt among men, renders property unſafe, and perplexes our mutual intercourſe. In this ſituation, with popular governments, and an unbounded rage for magnificent living, perhaps the only effectual remedy for a multitude of public evils, is the reſtraining of credit. It might even be uſeful to deſtroy all credit on the ſecurity of law, except debts of certain deſcriptions, where mortgages might be given. This would not check buſineſs, but it would oblige people to exerciſe a principle of honor, and to have recourſe to induſtry, and ready payment for articles which their neceſſities or their fancies require. We ſhould then be better able to determin, whether bucks and bloods, in high life, "who roll the thundering chariot o'er the ground," are ſporting with their own property, or that of honeſt creditors.

I cannot cloſe theſe remarks without obſerving how much this country owes to particular claſſes of people for the practice of the commercial virtues. To the Friends, the Germans and the Dutch, this country is indebted for that induſtry and provident economy, which

which enables them to ſubſiſt without anxiety, and to be honeſt and punctual, without embarraſſment.

Happy would it be for this country, if theſe virtues were more generally practiſed. Paper money and foreign credit are mere temporary expedients to keep up the *appearance of wealth* and ſplendor; but they are miſerable ſubſtitutes for ſolid property. The only way to become rich at home and reſpectable abroad, is to become induſtrious, and to throw off our ſlaviſh dependence on foreign manners, which obliges us to ſacrifice our opinions, our taſte, and our intereſt, to the policy and aggrandizement of other nations.

No. VIII.

On PAPER MONEY.

[Published at *Baltimore*, Auguſt 9, 1785.]

Meſſrs. Printers,

I OBSERVED a paragraph of intelligence in your Journal, of the 26th of July, reſpecting the circulation of paper currency in North Carolina. I am not diſpoſed to diſpute the truth of the fact, that paper currency paſſes in that State at par with ſpecie; but I ſhould be very ſorry to ſee it drawn into a precedent for other States.

The ſcarcity of caſh is a general complaint, and ſuperficial obſervers impute the evil to a wrong cauſe, while ſhallow reaſoners would remedy it by an emiſſion of paper credit.

The real ſtate of our commerce is this; ſince the ratification of peace, the quantity of goods imported into the United States has been much greater than what was neceſſary for the conſumption of the inhabitants. Perhaps I ſhall not be wide of the truth, when I ſuppoſe that one third of the importations would ſupply the demands of people. The conſequence is, the other two thirds continue on hand as a ſuperfluity. The merchant finds no market for his goods, and erroneouſly imputes the evil to a ſcarcity of caſh. But the real truth is, people do not want his goods; they purchaſe what they want, and find caſh or produce to make payment; but the ſurplus remains in ſtore.

In every trading nation, there ought to be a due proportion between the commercial intereſt, the agricultural and the manufacturing. Whenever the farmers and manufacturers are too numerous for the merchants, produce and manufactures will be plentiful and cheap; trade will of courſe be lucrativ. Whenever the merchants are too numerous for the laborers, the importations of the

the former will exceed the wants of the latter; of courſe goods will not find vent; and the merchant who owes nothing may lie and ſleep in indolence, while the merchant who deals on credit *muſt fail*. The experience of almoſt every day proves the *truth of this reaſoning*. I will ſuppoſe that the number of merchants, and the quantity of goods in Baltimore, are double to what they were two years ago; and the market for goods is nearly the ſame. The effect will be, that the ſame profit of buſineſs will be divided among double the number of men, while, at the ſame time, rents and the price of proviſion in market will be double. The clear profit of the merchant will therefore be reduced to one fourth part of what it was two years ago. I ſubmit to the inhabitants of this *flouriſhing* town, whether this is a mere ſuppoſition, or a moderate ſtate of facts; and whether this reaſoning will not, in a greater or leſs degree, apply to every commercial town in the United States.

But is not money ſcarce? With reſpect to the quantity of goods in ſtore, *money is very ſcarce*: With reſpect to the produce of the country, there is *money enough*. Almoſt every article of home produce will command caſh; but the merchant cannot get caſh for his goods. Money is the repreſentativ of goods bought and ſold. I will ſuppoſe, for the ſake of argument, that two years ago there was caſh enough in the country to purchaſe all the goods in market at the uſual advance. I will ſuppoſe that the quantity of goods has been trebled ſince that time. In this caſe, had the quantity of money continued the ſame, there would have been caſh enough to purchaſe juſt one third of the goods. But ſuppoſe what is true, that at the time the quantity of goods increaſes in this proportion, the quantity of money in circulation diminiſhes in the ſame proportion. In this caſe there will be but one third of the caſh to purchaſe three times the goods. Thus but one ſixth part of the goods can be purchaſed by the circulating caſh. The merchant muſt then lower the price of his goods to one ſixth of their value, or keep them

them on hand. This reaſoning, however mathematical, is juſt, and applies to all commercial countries. It is a fair ſtate of facts in America. But though the quantity of money is greatly diminiſhed, yet there is ſufficient to repreſent the produce of the country, which in quantity continues the ſame. The price is however lowered by the diminution of the quantity of circulating caſh.

Whether the quantity of caſh is diminiſhed, and the quantity of goods increaſed in the exact proportion above ſtated, is not material, the foregoing reaſoning being ſufficient to illuſtrate the principle. The probability is, that the diſproportion between the goods in market and the caſh in circulation, is greater than I have ſuppoſed.

The following propoſitions, I venture to aſſert, are generally, if not univerſally, true:

1. That the imports of a country ſhould never exceed its exports. In other words, the value of the goods imported ſhould never exceed the value of the ſuperfluous produce, or that part of the produce which the inhabitants do not want for their own conſumption.

2. That too great a quantity of caſh in circulation, is a much greater evil than too ſmall a quantity.

3. That too much money in a commercial country will inevitably produce a ſcarcity.

4. That the wealth of a country does not conſiſt in caſh, but in the produce of induſtry, viz. in agriculture and manufactures.

5. That in a commercial country, where people are induſtrious, there can never be, for any long time, a want of caſh ſufficient for a medium.

The firſt propoſition is univerſally acknowleged to be true.

The ſecond is leſs obvious, but equally true. Too much money raiſes the price of labor and of its effects; deprives us conſequently of a foreign market; produces indolence and diſſipation; than which greater evils cannot happen to a State. The ſudden increaſe

creaſe of money, by large emiſſions of paper credit, at the beginning of the late war, produced more luxury, indolence, corruption of morals, and other fatal effects, than all other cauſes that ever took place in America. We feel theſe evils to this moment. On the other hand, a ſcarcity of caſh, tho it cramps commerce for a moment, always checks the evils before mentioned, lowers the price of labor, and produce will of courſe find a profitable market; it produces economy and induſtry, and conſequently preſerves the morals of the people; for induſtry goes further in preſerving purity of morals, than all the ſermons that were ever preached.

This leads to an illuſtration of the third propoſition. If too much money in a country raiſes the price of labor and of produce, the conſequence is, that people will go abroad for articles, becauſe they are cheaper in foreign markets, and they will purchaſe as long as they can get caſh. Importations will be multiplied till the country is drained of caſh, and then buſineſs will return to a new channel. The hiſtory of trade in America, the laſt two years, is an illuſtration of this propoſition.

The fourth propoſition, alſo, is illuſtrated by facts. I will ſuppoſe that ten millions of dollars are ſufficient for a medium in America: Let that ſum be inſtantaneouſly augmented to twenty millions, and the country is not a farthing richer, for the price of goods will be immediately doubled. *Two* dollars, in the latter caſe, purchaſe no more than *one* in the former. People ignorantly ſuppoſe that goods riſe in value; when the fact is, money falls in value. Continental currency was a proof of this. There was caſh enough for a medium in the country before the war; and the addition of two hundred millions of dollars did not increaſe the wealth of the country one farthing; nor would the whole purchaſe more than the ten millions of ſpecie which circulated before the war. Had the paper all been Spaniſh milled dollars, the effect would have been the ſame, had they continued in the country, and not been hoarded.

The

The fifth propoſition depends on this ſimple fact, that money is a fluid in the commercial world, rolling from hand to hand wherever it is wanted, and there is any thing to purchaſe it. Let the produce of a country excel, in the leaſt degree, the conſumption, and it will never want money.

Admitting the foregoing obſervations to be true, both the neceſſity and policy of emitting paper, vaniſh at once. Suppoſing paper currency to preſerve its credit, ſtill ſo far from increaſing the medium of trade, that in a few months it will drive all the ſpecie from the country. Bank notes and bills of exchange are uſeful in facilitating a change or conveyance of property; but to iſſue paper credit, merely with a view to increaſe the circulating medium, in a country where the people may have juſt as much gold and ſilver as they are pleaſed to work for, is the height of folly. If people are indolent, or extravagant, all the paper currency under heaven will not make them rich, or ſupply their wants of caſh. If people are induſtrious and frugal, and purchaſe no more foreign goods than they can pay for in ſuperfluous produce, they will ever have caſh enough. Their whole ſyſtem of commerce ſtands on theſe ſingle facts.

If the merchants bring more goods than people want, buſineſs *muſt be dull*; money with them *muſt be ſcarce*. At the cloſe of the war, caſh was plentiful and goods ſcarce. This made buſineſs lively, till people had procured a ſupply. Remittances were made in caſh, ſo long as it could be obtained. That period is paſt, and the merchant muſt now look for remittances where alone they ought ever to be found, in the produce of the country. Buſineſs is juſt now returning into its proper channel, from which it had been diverted by the violence of war, and the fluctuations of paper credit. The rapid population of a country is an agreeable circumſtance; but every profeſſion ought to increaſe in a due proportion. Suppoſing ten thouſand carpenters were to land in Baltimore at once, would they have buſineſs? Or would they not exclaim, *buſineſs is dull*,

money

money is ſcarce? Every one might have a trifle of buſineſs, but they could not *all make fortunes.*

An event ſimilar to this has taken place in Baltimore. The reputation for buſineſs which Baltimore had acquired juſt at the cloſe of the war, brought merchants here from every part of the world, and almoſt one half of the town has been built within two years. How, in the name of common ſenſe, do the merchants expect to find buſineſs? The people who come to this market, multiply gradually, and double in about thirty years. But the merchants who ſupply the goods have doubled, if not trebled, in numbers and ſtock, within three years. There is, however, an expedient which will yet enable them all to liv by trade. Let every merchant ſend abroad to Ireland or Germany, and bring over his hundred able induſtrious farmers, and fix them on the fertile lands of Maryland, which now lie uſeleſs and uncultivated in the hands of the Nabobs: Or let three fourths of the traders quit the buſineſs. Either of theſe expedients will make caſh plentiful; and one of them muſt take place.

I will juſt make one further remark; the want of a proper *union* among the States, will always render our commerce fluctuating and unprofitable. We may do as much buſineſs as we pleaſe; but if the duties and reſtrictions on our trade remain, and the flag of the United States is inſulted as it has been, and each State is laying duties on the trade of its neighbor, our commerce cannot be reduced to a ſyſtem, and our profits muſt be uncertain. The want of a *Continental Power* to guard the honor of the whole body, and reduce our meaſures to one uniform ſyſtem, is the great ſource of endleſs calamities. We ſhall feel national abuſe, till Congreſs are veſted with powers ſufficient to *govern* and *protect* us; and till that period, foreigners, like ſo many harpies, will prey upon our commerce, and diſappoint the exertions of our induſtry.

No.

No. IX.

On REDRESS *of* GRIEVANCES.

NEWBURY PORT, 1786.

BY ſome reſolves of the diſcontented people of this State, (Maſſachuſetts) it appears that the true cauſe of public grievances is miſtaken, and conſequently the mode of redreſs will be miſtaken. It is laughable enough to hear the people gravely reſolving, that the ſitting of the general court at Boſton is a grievance, when every body may recollect that about twelve years ago, the removal of the Legiſlature to Cambridge, was a grievance; an unconſtitutional ſtretch of power, that threw the province into a buſtle. A great change, ſince Hutchinſon's time! Boſton then was the only proper ſeat of the Legiſlature.

Lawyers, too, are ſqueezed into the catalogue of grievances. Why, ſir, lawyers are a conſequence; not a cauſe of public evils. They grow out of the lazineſs, dilatorineſs in payment of debts, breaches of contract, and other vices of the people; juſt as muſhrooms grow out of dunghills after a ſhower, or as diſtilleries ſpring out of the *taſte* for New England rum. The ſober, induſtrious, frugal Dutch, in New York, and the Quakers and Germans in Penſylvania, have no occaſion for lawyers; a collector never calls upon them twice, and they feel no grievances. Before the war, there was, in Orange county, New York, but one action of debt tried in eighteen years. O happy people! happy times! no grievances.

Mr. Printer, I ſaw a man the other day, crying a buſhel or two of flaxſeed. Flaxſeed is a caſh article, and caſh pays taxes. The man wanted caſh to pay his taxes; he *muſt* have caſh; but, Mr. Printer, half an hour afterwards, I ſaw him half drunk, and his ſaddle bags filled with coffee. But, ſir, coffee pays no taxes.

Another,

Another, a few days ago, brought a lamb to market. Lambs command caſh, and caſh pays taxes; but the good countryman went to a ſtore, and bought a feather; five ſhillings for a feather, Mr. Printer, and feathers pay no taxes. Is it not a *grievance*, ſir, that feathers and ribbands, and coffee and new rum, will not pay taxes?

Now, Mr. Printer, in my humble opinion, there are but two effectual methods of redreſſing grievances; one depends on the people as individuals, and the other on the Supreme Executiv authority.

As to the firſt, let every perſon, whether farmer, mechanic, lawyer, or doctor, provide a ſmall box, (*a ſmall box* will be big enough) with a hole in the lid. When he receives a ſhilling, let him put ſix pence into the box, and uſe the other ſix pence in providing for his family; not rum or feathers, but good bread and meat. Let this box remain untouched, until the collector ſhall call. Then let it be opened, the tax paid, and the overplus of caſh may be expended on gauze, ribbands, tea, and New England rum. Let the box then be put into its place again, to receive pence for the next collector. This method, Mr. Printer, will redreſs all grievances, without the trouble, noiſe and expenſe of town meetings, conventions and mobs.

As to the other method, ſir, I can only ſay, were I at the head of the Executiv authority, I ſhould ſoon put the queſtion to a deciſiv iſſue. It ſhould be determined, on the firſt inſurrection, whether our lives and our properties ſhall be ſecure under the law and the conſtitution of the State, or whether they muſt depend on the mad reſolves of illegal meetings. Honeſt men then would know whether they may reſt in ſafety at home, or whether they muſt ſeek for tranquillity in ſome diſtant country.

No. X.

The DEVIL *is in you.**

PROVIDENCE, 1786.

THAT the political body, like the animal, is liable to violent diſeaſes, which, for a time, baffle the healing art, is a truth which we all acknowlege, and which moſt of us lament. But as moſt of the diſorders, incident to the human frame, are the conſequence of an intemperate indulgence of its appetites, or of neglecting the moſt obvious means of ſafety; ſo moſt of the popular tumults, which diſturb government, ariſe from an abuſe of its bleſſings, or an inattention to its principles. A man of a robuſt conſtitution, relying on its ſtrength, riots in gratifications which weaken the *ſtamina vitæ*; the ſurfeiting pleaſures of a few years deſtroy the power of enjoyment; and the full fed voloptuary feels a rapid tranſition to the meagre valetudinarian. Thus people who enjoy an uncommon ſhare of political privileges, often carry their freedom to licentiouſneſs, and put it out of their power to enjoy ſociety by deſtroying its ſupport.

Too much health is a *diſeaſe*, which often requires a very ſtrict regimen; *too much liberty* is the worſt of *tyranny*; and *wealth* may be accumulated to ſuch a degree as to *impoveriſh* a State. If *all* men attempt to become *maſters*, the *moſt* of them would neceſſarily become *ſlaves* in the attempt; and could *every man* on earth poſſeſs millions of joes, *every man* would be *poorer* than *any man* is now, and infinitely more wretched, becauſe they could not procure the neceſſaries of life.

My countrymen, it is a common ſaying now, that *the devil is in you*. I queſtion the influence of the devil, however, in theſe affairs. Divines and politicians agree in this, to father all evil upon the devil; but

* Publiſhed in Rhode Iſland, ſhortly after the preceding letter.

but the effects aſcribed to this prince of evil ſpirits, both in the moral and political world, I aſcribe to the wickedneſs and ignorance of the human heart. Taking the word *Devil* in this ſenſe, he is *in* you, and *among* you, in a variety of ſhapes.

In the firſt place, the *weakneſs of our federal government is the devil.* It prevents the adoption of any meaſures that are requiſit for us, as a nation; it keeps us from paying our honeſt debts; it alſo throws out of our power all the profits of commerce, and this drains us of caſh. Is not this the devil? Yes, my countrymen, an empty purſe is the *devil.*

You ſay you are jealous of your rights, and dare not truſt Congreſs. Well, that jealouſy is an evil ſpirit, and all evil ſpirits are *devils.* So far the devil is in you. You act, in this particular, juſt like the crew of a ſhip, who would not truſt the helm with *one* of their number, becauſe he might *poſſibly* run her aſhore, when by leaving her without a pilot, they were *certain* of ſhipwreck. You act juſt like men, who in raiſing a building, would not have a maſter workman, becauſe he *might* give out wrong orders. You will be maſters yourſelves; and as you are not all ready to lift at the ſame time, one labors at a ſtick of timber, then another, then a third; you are then vexed that it is not raiſed; why let a maſter order thirteen of you to take hold together, and you will lift it at once. Every family has a *maſter* (or a *miſtreſs*—I beg the ladies' pardon.) When a ſhip or a houſe is to be built, there is a maſter; when highways are repairing, there is a maſter; every little ſchool has a maſter; the continent is a great ſchool; the boys are numerous, and full of roguiſh tricks, and there is no *maſter.* The boys in this great ſchool play truant, and there is no perſon to chaſtiſe them. Do you think, my countrymen, that America is more eaſily governed than a ſchool? You do very well in ſmall matters; extend your reaſon to great ones. Would you not laugh at a farmer who would faſten a cable to a plough, and yet attempt to draw a houſe with a cobweb? "And Nathan ſaid unto David,

thou

thou art the man." You think a maſter neceſſary to govern *a few* harmleſs children in a ſchool or family; yet leave thouſands of great rogues to be governed by *good advice.* Believe me, my friends, for I am *ſerious*; you *loſe rights*, becauſe you will not giv your magiſtrates authority to *protect them.* Your liberty is deſpotiſm, becauſe it has no control; your power is nothing, becauſe it is not united.

But further, luxury rages among you, and luxury is *the devil.* The war has ſent this evil demon to impoveriſh people, and embarraſs the public. The articles of rum and tea alone, which are drank in this country, would pay all its taxes. But when we add, ſugar, coffee, feathers, and the whole liſt of baubles and trinkets, what an enormous expenſe? No wonder you want paper currency. My countrymen are all grown very taſty! Feathers and jordans muſt all be imported! Certainly gentlemen, the devil is among you. A Hampſhire man, who drinks forty ſhillings worth of rum in a year, and never thinks of the expenſe, will raiſe a mob to reduce the governor's ſalary, which does not amount to three pence a man per annum. Is not this the devil?

My countrymen—A writer appeared, not long ago, informing you how to redreſs grievances.* He givs excellent advice. Let every man make a little box, and put into it *four pence* every day. This in a year will amount to ſix pounds one ſhilling and eight pence, a ſum more than ſufficient to pay any poor man's tax. Any man can pay three or four pence a day, though no poor man can, at the end of a year, pay ſix pounds. Take my advice, every man of you, and you will hardly feel your taxes.

But further, a *tender law* is the *devil.* When I truſt a man a ſum of money, I expect he will return the full value. That Legiſlature which ſays my debtor may pay me with *one third* of the value he received, commits a deliberate act of villany; an act for which an *individual*, in any government, would be honored with

* See page 125.

with a whipping poſt, and in moſt governments, with a gallows. When a man makes dollars, one third of which only is ſilver, and paſſes them for good coin, he muſt loſe his ears, &c.

But Legiſlatures can, with the ſolemn face of rulers, and guardians of juſtice, boldly give currency to an *adulterated coin*, enjoin it upon debtors to cheat their creditors, and enforce their ſyſtematic knavery with legal penalties. The differences between the man who makes and paſſes counterfeit money, and the man who tenders his creditor one third of the value of the debt, and demands a diſcharge, is the ſame as between a thief and a robber. The firſt cheats his neighbor in the dark, and takes his property without his knowlege: The laſt boldly meets him at noon day, tells him he is a raſcal, and demands his purſe.

My countrymen, the devil is among you. Make *paper* as much as you pleaſe; make it a tender in all *future contracts*, or let it reſt on its own bottom: But remember that paſt contracts are *ſacred things*; that Legiſlatures have no right to interfere with them; they have no right to ſay, a debt ſhall be paid at a diſcount, or in any manner which the parties never intended. It is the buſineſs of juſtice to fulfil the intention of parties in contracts, not to defeat them. To pay *bona fide* contracts for caſh, in paper of little value, or in old horſes, would be a diſhoneſt attempt in an individual; but for Legiſlatures to frame laws to ſupport and encourage ſuch deteſtable villany, is like a judge who ſhould inſcribe the arms of a rogue over the ſeat of juſtice, or clergymen who ſhould convert into bawdy-houſes the temples of Jehovah. My countrymen, the world ſays, the devil is in you: Mankind deteſt you as they would a neſt of robbers.

But laſtly, mobs and conventions are devils. Good men love law and legal meaſures. Knaves only fear law, and try to deſtroy it. My countrymen, if a conſtitutional Legiſlature cannot redreſs a grievance, a mob never can. Laws are the ſecurity of life and property; nay, what is more, of liberty. The man who

who encourages a mob to prevent the operation of law, ceaſes to be *free or ſafe*; for the ſame principle which leads a man to put a bayonet to the breaſt of a judge, will lead him to take property where he can find it; and when the judge dare not act, where is the loſer's remedy? Alas, my friends, too much liberty is no liberty at all. Giv me any thing but mobs; for mobs are the devil in his worſt ſhape. I would ſhoot the leader of a mob, ſooner than a midnight ruffian. People may have grievances, perhaps, and no man would more readily hold up his hand to redreſs them than myſelf; but mobs rebel againſt laws of their own, and rebellion is a crime which admits of no palliation.

My countrymen, I am a private, peaceable man. I have nothing to win or to loſe by the game of paper currency; but *I revere juſtice.* I would ſooner pick oakum all my life, than ſtain my reputation, or pay my creditor one farthing leſs than his honeſt demands.

While you attempt to trade to advantage, without a *head* to combine all the States into ſyſtematic, uniform meaſures, the world will laugh at you for fools. While merchants take and giv credit, the world will call them idiots, and laugh at their ruin. While farmers get credit, borrow money, and mortgage their farms, the world will call them fools, and laugh at their embarraſſments. While all men liv beyond their income, and are harraſſed with duns and ſheriffs, no man will pity them, or giv them relief. But when mobs and conventions oppoſe the courts of juſtice, and Legiſlatures make paper or old horſes a legal tender in all caſes, the world will exclaim with one voice—*Ye are rogues, and the devil is in you!*

No.

No. XI.

NEW LONDON, OCTOBER, 1786.

DESULTORY THOUGHTS.

NO government has preſerved more general and uninterrupted tranquillity for a long period, than that of Connecticut. This is a ſtrong proof of the force of habit, and the danger that ever attends great alterations of government or a ſuſpenſion of law. Every ſyſtem of civil policy muſt take its complexion from the ſpirit and manners of the people.

Whatever political conſtitutions may be formed on paper, or in the philoſopher's cloſet, thoſe only can be permanent which ariſe out of the genius of the people.

A jealous uneaſy temper has ſometimes appeared, among the people of this State; but as this has always proceeded from reſtleſs, ambitious men, whoſe deſigns have been reprobated as ſoon as detected, this uneaſineſs has always ſubſided without any violence to the Conſtitution. We do not advert to the time when the courſe of law has been forcibly obſtructed in Connecticut.

In the middle and ſouthern States the corrupt Engliſh mode of elections has been adopted: We ſee men meanly ſtoop to advertiſe for an office, or beg the votes of their countrymen. In thoſe States elections are often mere riots; almoſt always attended with diſputes and bloody noſes, and ſometimes with greater violence. In Connecticut, a man never advertiſes for an office, nor do we know that a man ever ſolicited a vote for himſelf. We cannot name the election that produced a diſpute, even in words.

It belongs to the unprincipled of other States and countries to deride religion and its preachers. It belongs to the coxcombs of courts, the productions of dancing ſchools and playhouſes, to ridicule our baſhful deportment

deportment and ſimplicity of manners. We revere the ancient inſtitutions of ſchools and churches in this State. We revere the diſcipline which has given ſuch a mild complexion to the manners of its inhabitants, and ſecured private ſatisfaction and public tranquillity.

Paper money is the preſent hobby horſe of the States, and every State has more or leſs of the *paper madneſs*. What a pity it is mankind will not diſcern their right hands from their left. *Caſh is ſcarce*, is the general cry. Well, this proves nothing more than that the balance of trade is againſt us, and that we eat, drink, and wear more foreign commodities than we can pay for in produce: That is, we ſpend more than we earn; or in other words, *we are poor*.

But nothing ſhows the folly of people more, than their attempts to remedy the evil by a *paper currency*. This is *ignorance*, it is *abſurdity* in the extreme. Do not people know that the addition of millions and millions of money does not increaſe the value of a circulating medium one farthing. Do they not know that the value of a medium ought not to be increaſed beyond a certain ratio, even if it could be? and that to increaſe the circulating caſh of one State beyond the circulating caſh of other States, is a material injury to it. Theſe propoſitions are as demonſtrable as any problem in Euclid. Ten millions of dollars in ſpecie were ſuppoſed to be the medium in America before the war. Congreſs iſſued at firſt five millions in bills. As theſe came *into* circulation, ſpecie went *out*; conſequently they held their nominal and real value on par, for the nominal value of the medium was not much increaſed. Congreſs ſent out another ſum in bills; the nominal value of the medium was doubled, the bills ſunk one half, and the real value of the medium remained the ſame. This was the ſubſequent progreſs; every emiſſion ſunk the real value of bills, and two hundred millions of dollars were, in the end, worth juſt ten millions in ſpecie, and no more. Towards the cloſe of the war, the ſpecie in America was more than doubled; it ſunk to leſs than half its former val-

ue,

ue, and the paper bills ſunk in the ſame proportion; from forty to eighty for one, nearly. We had too much ſpecie in the country, in the years 1782 and 1783; it ruined hundreds of merchants, and injured the community.

But it is ſaid, we want a circulating medium. This is not true; we have too much in circulation. The ſpecie and paper now circulating in America, amounts to fifty or ſixty millions of dollars; whereas we want not more than ten or fifteen millions. The paper is therefore ſunk in real value, ſo as to reduce the real value of the whole medium to that ſum which is wanted. We may make millions of paper if we pleaſe; but we ſhall not add one farthing to the property of the State. Money is not wealth in a State, but the repreſentativ of wealth. A paper currency may anſwer a temporary purpoſe of enabling people to pay debts; but it is not an advantage even to the debtor, unleſs it is depreciated; and in this caſe it is an injury to the creditor. If the paper retains its value, the debtor muſt ſooner or later purchaſe it with the produce of his labor; and if it depreciates, it is the tool of knaves while it circulates; it ruins thouſands of honeſt unſuſpecting people; it gives the game to the idle ſpeculator, who is a nuiſance to the State; it ſtabs public credit and private confidence; and what is worſe than all, it unhinges the obligations which unite mankind. A fluctuation of medium in a State makes more fatal ravages among the morals of people, than a peſtilence among their lives.' O America! happy would it have been for thy peace, thy morals, thy induſtry, if, inſtead of a depreciation of paper bills and ſecurities, ſtamped with public faith, millions of infernal ſpirits had been let looſe among thy inhabitants! Never, never wilt thou experience the return of induſtry, economy, private confidence and public content, till every ſpecies of depreciated and fluctuating medium ſhall be annihilated; till Legiſlatures learn to revere juſtice, and dread a breach of faith more than the vengeance of vindictiv heaven!

Americans!

Americans! you talk of a ſcarcity of caſh. Well, the only remedy is, to enable Congreſs to place our commerce on a footing with the trade of other nations. Foreign States have nothing to do with Maſſachuſetts or New York. They muſt make treaties with *United America*, or not make them at all. And while we boaſt of the independence of particular States, we loſe all the benefits of independence. For fear that Congreſs would abuſe their powers and enrich themſelves, we, like the dog in the manger, will not even enrich ourſelves. We complain of poverty, and yet *giv* the profits of our trade to foreign nations. Infatuated men! We have one truth to learn—*That nothing but the abſolute power of regulating our commerce, veſted in ſome federal head*, can ever reſtore to us caſh, or turn the balance of trade in our favor. New York alone, by its advantageous ſituation, is growing rich upon the ſpoils of her neighbors, and impoveriſhing the continent to fill her own treaſury.

Lawyers, you ſay, O deluded Americans! are an evil. Will you always be fools? Why lawyers are as good men as others: I venture to ſay further, that lawyers in this country have deviſed and brought about the wiſeſt public meaſures that any State has adopted. My countrymen, the expenſe of ſupporting a hundred lawyers is a very great and a very needleſs expenſe. You pay to lawyers and courts every year thirty or forty thouſand pounds. A great expenſe, indeed! But courts and lawyers are not to be blamed. The people are the cauſe of the evil, and they alone, as individuals, are able to remedy it. And yet the remedy is very ſimple. *Ceaſe to run in debt*, or *pay your debts punctually*; then lawyers will ceaſe to exiſt, and court houſes will be ſhut. If you wiſh or expect any other remedy than this, you certainly will be diſappointed. A man, who purpoſely ruſhes down a precipice and breaks his arm, has no right to ſay, that ſurgeons are an evil in ſociety. A Legiſlature may unjuſtly limit the ſurgeon's fee; but the broken arm muſt be healed, and a ſurgeon is the only man to do it.

My

My friends, learn wiſdom. You are peaceable yet, and let the diſtractions of your neighbors teach you to preſerve your tranquillity.

Spend leſs money than you earn, and you will every day grow richer. Never run in debt, and lawyers will become farmers. Never make paper money, and you will not cheat your citizens, nor have it to redeem. Above all, pay your public debts, for independence and the confederation require it.

No.

No. XII.

NEW HAVEN, DECEMBER, 1786.

ADVICE *to* CONNECTICUT FOLKS.

MY FRIENDS,

TIMES are hard; money is ſcarce; taxes are high, and private debts puſh us. What ſhall we do? Why, hear a few facts, ſtubborn facts, and then take a bit of advice.

In the year 1637, our good forefathers declared an offenſiv war againſt the Pequot Indians. Their troops were ninety men. Weathersfield was ordered to furniſh a hog for this army, Windſor a ram goat, and Hartford a hogſhead of beer, and four or five gallons of ſtrong water.*

This was ancient ſimplicity! Let us make a little eſtimation of the expenſes annually incurred in Connecticut. (I ſay incurred, for we can contract debts, though we cannot pay them.)

I will juſt make a diſtinction between neceſſary and unneceſſary expenſes.

	£.	Neceſſary. £.	Unneceſſary. £.
Governor's ſalary,	300	300	
Lieutenant governor's,	100	100	
Upper houſe, attendance and travel, 60 days a year, at 10l. a day,	600	600	
Lower houſe, attendance and travel, 170 members, at 6s. a day, 60 days,	3,060	1,530	1,530
Carried over,	4,060	2,530	1,530

* See the records of this State, where rum is called ſtrong water. This was ſoon after the firſt diſtilling of ſpirits, and rum was not then named. It ſeems, however, that our pious anceſtors had a taſte for it, which their poſterity have carefully improved.

knocking at the doors of our neighbors, we laugh at their folly. Beſides, I keep a little drawer in my deſk, with money enough in it to pay the next tax; and I never touch a farthing until the collector calls. Now, good folks, if you will take the ſame method, you will ſave out of lawyers' fees and court charges, on the moſt moderate calculations, 20,000l. a year.

2dly. I allow my family but two gallons of rum a year. This is enough for any family, and too much for moſt of them. I drink cyder and beer of my own manufacture; and my wife makes excellent beer, I aſſure you. I adviſe you all to do the ſame. I am aſtoniſhed at you, good folks. Not a mechanic or a laborer goes to work for a merchant, but he carries home a bottle of rum. Not a load of wood comes to town, but a gallon bottle is tied to the cart ſtake to be filled with rum. Scarcely a woman comes to town with tow cloth, but ſhe has a wooden gallon bottle in one ſide of her ſaddle bags, to fill with rum. A ſtranger would think you to be a nation of Indians by your thirſt for this paltry liquor. Take a bit of advice from a good friend of yours. Get two gallons of rum in a year; have two or three frolics of innocent mirth; keep a little ſpirit for a medicine, and let your common drink be the produce or manufacture of this country. This will make a ſaving of almoſt 400,000 gallons of rum, or 80,000l. a year.

3dly. Never buy any uſeleſs clothing.

Keep a good ſuit for Sundays and other public days; but let your common wearing apparel be good ſubſtantial cloths, and linens of your own manufacture. Let your wives and daughters lay aſide their plumes. Feathers and fripperies ſuit the Cherokees or the wench in your kitchen; but they little become the fair daughters of America.* Out of the dry goods imported, you may ſave 50,000l. a year.

Theſe

* I would juſt mention to my fair readers, whom I love and eſteem, that feathers and other frippery of the head, are diſreputable in Europe.

Theſe ſavings amount to 150,000l. a year. This is more than enough to pay the intereſt of all our public debts.

My countrymen, I am not trifling with you: I am ſerious. You feel the facts I ſtate; you know you are poor, and ought to know, the fault is all your own. Are you not ſatisfied with the food and drink which this country affords? The beef, the pork, the wheat, the corn, the butter, the cheeſe, the cyder, the beer, thoſe luxuries which are heaped in profuſion upon your tables? If not, you muſt expect to be poor. In vain do you wiſh for mines of gold and ſilver. A mine would be the greateſt curſe that could befal this country. There is gold and ſilver enough in the world, and if you have not enough of it, it is becauſe you conſume all you earn in uſeleſs food and drink. In vain do you wiſh to increaſe the quantity of caſh by a mint, or by paper emiſſions. Should it rain millions of joes into your chimnies, on your preſent ſyſtem of expenſes, you would ſtill have no money. It would leave the country in ſtreams. Trifle not with ſerious ſubjects, nor ſpend your breath in empty wiſhes. Reform; economize. This is the whole of your political duty. You may reaſon, ſpeculate, complain, raiſe mobs, ſpend life in railing at Congreſs and your rulers; but unleſs you import leſs than you export, unleſs you ſpend leſs than you earn, you will eternally be poor.

No. XIII.

NEW YORK, DECEMBER, 1787.

To the DISSENTING MEMBERS *of the late* CONVENTION *of* PENNSYLVANIA.

GENTLEMEN,

YOUR long and elaborate publication, aſſigning the reaſons for your refuſing to ſubſcribe the ratification of the *new Federal Conſtitution*, has made its appearance in the public papers, and, I flatter myſelf, will be read throughout the United States. It will feed the flame of oppoſition among the weak, the wicked, the deſigning, and the factious; but it will make many new converts to the propoſed government, and furniſh the old friends of it with new weapons of defence. The very attempt to excite uneaſineſs and diſturbance in a State, about a meaſure legally and conſtitutionally adopted, after a long and ample diſcuſſion in a convention of the people's delegates, will create ſuſpicions of the goodneſs of your cauſe. My addreſs to you will not be ſo lengthy as your publication; your arguments are *few*, altho your harangue is *long* and *inſidious*.

You begin with telling the world, that *no defect was diſcovered in the preſent confederation, till after the war.* Why did you not publiſh the truth? You know, gentlemen, that during ſix years of the war, we had *no confederation at all.* You know that the war commenced in April, 1775, and that we had *no confederation* till March, 1781. You know (for ſome of you are men of abilities and reading) or ought to know, a principle of *fear*, in time of war, operates more powerfully in binding together the States which have a common intereſt, than all the parchment compacts on earth. Could we, then, diſcover the defects of our preſent

preſent confederation, with *two years'* experience only, and an enemy in our country? You know we could not.

I will not undertake to detect the falſehood of every aſſertion, or the fallacy of all your reaſoning on each article. In the moſt of them the public will anticipate any thing I could ſay, and confute your arguments as faſt as they read them. But, gentlemen, your reaſoning againſt the *new Conſtitution* reſembles that of Mr. Hume on miracles. You begin with ſome *gratis dicta*, which are denied; you aſſume *premiſes* which are *totally falſe*, and then reaſon on them with great addreſs. Your whole reaſoning, and that of all the oppoſers of the federal government, is built on this *falſe principle*, that the *federal Legiſlature* will be a body *diſtinct from* and *independent of* the people. Unleſs your oppoſition is grounded on *that principle*, it ſtands on *nothing*; and on any *other* ſuppoſition, your arguments are but *declamatory nonſenſe*.

But the principle is falſe. The Congreſs, under the propoſed conſtitution, will have the *ſame intereſt* as the people; they are *a part* of the people; their intereſt is *inſeparable* from that of the people; and this union of intereſt will eternally remain, while the right of election ſhall continue in the people. Over this right Congreſs will have no control: The time and manner of exerciſing that right are very wiſely veſted in Congreſs; otherwiſe a delinquent State might embarraſs the meaſures of the Union. The ſafety of the public requires that the federal body ſhould prevent any particular delinquency; but the *right of election* is above their control; it *muſt* remain in the people, and be exerciſed once in two, four or ſix years. A body thus organized, with thirteen Legiſlatures watching their meaſures, and ſeveral millions of jealous eyes inſpecting their conduct, would not be apt to betray their conſtituents. Yet this is not the beſt ground of ſafety. The firſt and almoſt only principle that governs men, is *intereſt*. *Love of our country* is a powerful auxiliary motiv to patriotic actions; but rarely or never

operates

operates againſt *private intereſt*. The only requiſit to ſecure liberty, is to connect the *intereſt* of the *governors* with that of the *governed*. Blend theſe intereſts; make them inſeparable, and both are ſafe from voluntary invaſion. How ſhall this union be formed? This queſtion is anſwered. The union is formed by the equal principles on which the people of theſe States hold their property and their rights. But how ſhall this union of intereſts be perpetuated? The anſwer is eaſy; bar all perpetuities of eſtates; prevent any excluſiv rights; preſerve all preferment dependent on the choice of the people; ſuffer no power to exiſt independent of the people or their repreſentativs. While there exiſts no power in a State, which is independent on the will of the electors, the rights of the people are ſecure. The only barrier againſt tyranny, that is neceſſary in any State, is *the election of legiſlators* by the yeomanry of that State. Preſerve *that*, and every privilege is ſafe. The legiſlators thus choſen to repreſent the people, ſhould have all the power that the people would have, were they aſſembled in one body to deliberate upon public meaſures. The diſtinction between the powers of the *people* and of their *repreſentativs* in the Legiſlature, is as abſurd in *theory*, as it proves pernicious in *practice*. A diſtinction, which has already countenanced and ſupported *one rebellion* in America; has prevented many *good* meaſures; has produced many *bad*; has created animoſities in many States, and embarraſſments in all.* It has taught the people a leſſon, which, if they continue to practiſe, will bring laws into contempt, and frequently mark our country with blood.

You object, gentlemen, to the powers veſted in Congreſs. Permit me, to aſk you, where will you limit their

* Some of the bills of rights in America declare, that the people have a right to meet together, and conſult for the public ſafety; that their legiſlators are reſponſible to them; that they are ſervants, &c. Such declarations give people an idea, that as individuals, or in town meetings, they have a power paramount to that of the Legiſlature. No wonder, that with ſuch ideas, they attempt to reſiſt law.

their powers? What bounds will you preſcribe? You will reply—*we will reſerve certain rights, which we deem invaluable, and reſtrain our rulers from abridging them.* But, gentlemen, let me aſk you, how will you define theſe rights? would you ſay, *the liberty of the preſs ſhall not be reſtrained?* Well, what is this liberty of the preſs? Is it an unlimited licence to publiſh *any thing and every thing* with impunity? If ſo, the author and printer of any treatiſe, however obſcene and blaſphemous, will be ſcreened from puniſhment. You know, gentlemen, that there are books extant, ſo ſhockingly and infamouſly obſcene and ſo daringly blaſphemous, that no ſociety on earth would be vindicable in ſuffering the publiſhers to paſs unpuniſhed. You certainly know that ſuch caſes *have* happened, and *may* happen again: Nay, you know that they are *probable.* Would not that indefinite expreſſion, *the liberty of the preſs*, extend to the juſtification of every *poſſible publication?* Yes, gentlemen, you know, that under ſuch a general licenſe, a man who ſhould publiſh a treatiſe to *prove his Maker a knave*, muſt be ſcreened from legal puniſhment. I ſhudder at the thought! But the truth muſt not be concealed. The conſtitutions of ſeveral States *guarantee that very licenſe.*

But if you attempt to define the *liberty of the preſs*, and aſcertain what caſes ſhall fall within that privilege, during the courſe of centuries, where will you *begin?* Or rather, where will you *end?* Here, gentlemen, you will be puzzled. Some publications certainly *may* be a breach of civil law: You will not have the effrontery to deny a truth ſo obvious and intuitivly evident. Admit that principle; and unleſs you can define preciſely the caſes, which are, and are not a breach of law, you have no right to ſay, the liberty of the preſs ſhall not be reſtrained; for ſuch a licenſe would warrant *any breach of law.* Rather than hazard ſuch an abuſe of privilege, is it not better to leave the right altogether with your rulers and your poſterity? No attempts have ever been made by a legiſlativ body in America, to abridge that privilege; and in this free enlightened

country, no attempts could ſucceed, unleſs the public ſhould be convinced that an abuſe of it would warrant the reſtriction. Should this ever be the caſe, you have no right to ſay, that a future Legiſlature, or that poſterity ſhall not abridge the privilege, or puniſh its abuſes.

But you ſay, that trial by jury is an unalienable right, that ought not to be truſted with our rulers. Why not? If it is ſuch a darling privilege, will not Congreſs be as fond of it, as their conſtituents? An elevation into that council, does not render a man inſenſible to his privileges, nor place him beyond the neceſſity of ſecuring them. A member of Congreſs is liable to all the operations of law, except during his attendance on public buſineſs; and ſhould he conſent to a law, annihilating any right whatever, he deprives himſelf, his family and eſtate, of the benefit reſulting from that right, as well as his conſtituents. This circumſtance alone, is a ſufficient ſecurity.

But, why this outcry about juries? If the people eſteem them ſo highly, why do they ever neglect them, and ſuffer the trial by them to go into diſuſe? In ſome States, *Courts of Admiralty* have no juries; nor Courts of Chancery at all. In the City Courts of ſome States, juries are rarely or never called, altho the parties may demand them; and one State, at leaſt, has lately paſſed an act, empowering the parties to ſubmit both *law* and *fact* to the court. It is found, that the judgment of a court gives as much ſatisfaction, as the verdict of a jury; for the court are as good judges of fact, as juries, and much better judges of law. I have no deſire to aboliſh trials by jury, altho the original deſign and excellence of them, is in many caſes ſuperſeded. While the people remain attached to this mode of deciding cauſes, I am confident, that no Congreſs can wreſt the privilege from them.

But, gentlemen, our legal proceedings want a reform. Involved in all the mazes of perplexity, which the chicanery of lawyers could invent, in the courſe of five thouſand years, our road to juſtice and redreſs is tedious,

tedious, fatiguing and expenſiv. Our judicial proceedings are capable of being ſimplified, and improved in almoſt every particular. For mercy's ſake, gentlemen, do not ſhut the door againſt improvement. If the people of America, ſhould ever ſpurn the ſhackles of opinion, and venture to leave the road, which is ſo overgrown with briers and thorns, as to ſtrip a man's clothes from his back as he paſſes, I am certain they can deviſe a more eaſy, ſafe, and expeditious mode of adminiſtering the laws, than that which haraſſes every poor mortal, that is wretched enough to want *legal* juſtice. In States where very reſpectable merchants, have repeatedly told me, they had rather loſe a debt of fifty pounds, than attempt to recover it by a legal proceſs, one would think that men, who value liberty and property, would not reſtrain any government from ſuggeſting a remedy for ſuch diſorders.

Another right, which you would place beyond the reach of Congreſs, is the writ of *habeas corpus*. Will you ſay that this right may not be ſuſpended in *any* caſe? You dare not. If it may be ſuſpended in any caſe, and the Congreſs are to judge of the neceſſity, what ſecurity have you in a declaration in its favor? You had much better ſay nothing upon the ſubject.

But you are frightened at a ſtanding army. I beg you, gentlemen, to define a *ſtanding army*. If you would refuſe to giv Congreſs power to raiſe troops, to guard our frontiers, and garriſon forts, or in ſhort, to enliſt men for any purpoſe, then we underſtand you; you tie the hands of your rulers, ſo that they cannot defend you againſt any invaſion. This is protection, indeed! But if Congreſs can raiſe a body of troops for a year, they can raiſe them for a *hundred years*, and your declaration againſt *ſtanding armies* can have no other effect, than to prevent Congreſs from denominating their troops, a *ſtanding army*. You would only introduce into this country the Engliſh farce of mechanically paſſing an annual bill for the ſupport of troops which are never diſbanded.

You

You object to the indefinite power of taxation in Congreſs. You muſt then limit the exerciſe of that power by the ſums of money to be raiſed; or leaving the ſums indefinite, muſt preſcribe the *particular mode* in which, and the *articles* on which the money is to be raiſed. But the ſums cannot be aſcertained, becauſe the neceſſities of the States cannot be foreſeen nor defined. It is beyond even *your* wiſdom and profound knowlege, gentlemen, to aſcertain the public exigencies, and reduce them to the proviſions of a conſtitution. And if you would preſcribe the mode of raiſing money, you will meet with equal difficulty. The different States have different modes of taxation, and I queſtion much whether even *your* ſkill, gentlemen, could invent a uniform ſyſtem that would ſit eaſy upon every State. It muſt therefore be left to experiment, with a power that can correct the errors of a ſyſtem, and ſuit it to the habits of the people. And if no uniform mode will anſwer this purpoſe, it will be in the power of Congreſs to lay taxes in each State, according to its particular practice.

You know that requiſitions on the States are ineffectual; that they cannot be rendered effectual, but by a compulſory power in Congreſs; that without an efficient power to raiſe money, government cannot ſecure perſon, property or juſtice; that ſuch power is as ſafely lodged in your *Repreſentativs* in Congreſs, as it is in your *Repreſentativs* in your diſtinct Legiſlatures.

You would likewiſe reſtrain Congreſs from requiring *exceſſiv bail* or impoſing *exceſſiv fines* and *unuſual puniſhment*. But unleſs you can, in every poſſible inſtance, previouſly define the words *exceſſiv* and *unuſual*; if you leave the diſcretion of Congreſs to define them on occaſion, any reſtriction of their power by a general indefinit expreſſion, is a nullity—mere *formal nonſenſe*. What conſummate arrogance muſt you poſſeſs, to preſume you can *now* make *better* proviſion for the government of theſe States, during the courſe of ages and centuries, than the future Legiſlatures can, on the ſpur of the occaſion! Yet your whole reaſoning on the

ſubject

ſubject implies this arrogance, and a preſumption that you have a right to legiſlate for poſterity!

But to complete the liſt of unalienable rights, you would inſert a clauſe in your declaration, *that every body ſhall, in good weather, hunt on his own land, and catch fiſh in rivers that are public property.* Here, gentlemen, you muſt have exerted the whole force of your genius! Not even the *all important* ſubject of *legiſlating for a world*, can reſtrain my laughter at this clauſe! As a ſupplement to that article of your bill of rights, I would ſuggeſt the following reſtriction:—"That Congreſs ſhall never reſtrain any inhabitant of America from eating and drinking, *at ſeaſonable times*, or prevent his lying on his *left ſide*, in a long winter's night, or even on his back, when he is fatigued by lying on his *right.*" This article is of juſt as much conſequence as the eighth clauſe of your propoſed bill of rights.

But to be more ſerious, gentlemen, you muſt have had in idea the foreſt laws in Europe, when you inſerted that article; for no circumſtance that ever took place in America, could have ſuggeſted the thought of a declaration in favor of hunting and fiſhing. Will you forever perſiſt in error? Do you not reflect that the ſtate of property in America, is directly the reverſe of what it is in Europe? Do you not conſider, that the foreſt laws in Europe originated in *feudal tyranny*, of which not a trace is to be found in America? Do you not know that in this country almoſt every farmer is lord of his own ſoil? That inſtead of ſuffering under the oppreſſion of a monarch and nobles, a claſs of haughty maſters, totally independent of the people, almoſt every man in America is a *lord himſelf*, enjoying his property in fee? Where then the neceſſity of laws to ſecure hunting and fiſhing? You may juſt as well aſk for a clauſe, giving licenſe for every man to till *his own land*, or milk *his own cows.* The barons in Europe procured foreſt laws to ſecure the right of hunting on *their own land*, from the intruſion of thoſe who had no property in lands. But the diſtribution of land in America, not only ſuperſedes the neceſſity of any laws

upon

upon this ſubject, but renders them abſolutely trifling. The ſame laws which ſecure the property in land, ſecure to the owner the right of uſing it as he pleaſes.

But you are frightened at the proſpect of a *conſolidation of the States*. I differ from you very widely. I am afraid, after all our attempts to unite the States, that contending intereſts, and the pride of State ſovereignties, will either prevent our union, or render our federal government weak, ſlow and inefficient. The danger is all on this ſide. If any thing under heaven now endangers our liberties and independence, it is that ſingle circumſtance.

You harp upon that clauſe of the new conſtitution, which declares, that the laws of the United States, &c. ſhall be the ſupreme law of the land; when you know that the powers of the Congreſs are defined, to extend only to thoſe matters which are in their nature and effects, *general*. You know, the Congreſs cannot meddle with the internal police of any State, or abridge its ſovereignty. And you know, at the ſame time, that in all general concerns, the laws of Congreſs muſt be *ſupreme*, or they muſt be *nothing*.

No. XIV.

PHILADELPHIA, MARCH, 1787.

On TEST LAWS, OATHS *of* ALLEGIANCE *and* ABJURATION, *and* PARTIAL EXCLUSIONS *from* OFFICE.

TO change the current of opinion, is a moſt difficult taſk, and the attempt is often ridiculed. For this reaſon, I expect the following remarks will be paſſed over with a ſlight reading, and all attention to them ceaſe with a hum.

The reviſal of the teſt law has at length paſſed by a reſpectable majority of the Repreſentativs of this State. This is a prelude to wiſer meaſures; people are juſt awaking from deluſion. The time will come (and may the day be near!) when all teſt laws, oaths of allegiance, abjuration, and partial excluſions from civil offices, will be proſcribed from this land of freedom.

Americans! what was the origin of theſe diſcriminations? What is their uſe?

They originated in ſavage ignorance, and they are the inſtruments of ſlavery. Emperors and generals, who wiſhed to attach their ſubjects to their perſons and government; who wiſhed to exerciſe deſpotic ſway over them, or proſecute villanous wars, (for mankind have always been butchering each other) found the ſolemnity of oaths had an excellent effect on poor ſuperſtitious ſoldiers and vaſſals; oracles, demons, eclipſes; all the terrifying phenomena of nature, have at times had remarkable effects in ſecuring the obedience of men to tyrants. Oaths of fealty, and farcical ceremonies of homage, were very neceſſary to rivet the chains of feudal vaſſals; for the whole ſyſtem of European tenures was erected on juriſdiction, and is ſupported ſolely by ignorance, ſuperſtition, artifice, or military force.

force. Oaths of allegiance may poſſibly be ſtill neceſſary in Europe, where there are ſo many contending powers contiguous to each other: But what is their uſe in America? To ſecure fidelity to the State, it will be anſwered. But where is the danger of defection? Will the inhabitants join the Britiſh in Nova Scotia or Canada? Will they rebel? Will they join the ſavages, and overthrow the State? No; all theſe are viſionary dangers. My countrymen, if a State has any thing to fear from its inhabitants, the conſtitution or the laws muſt be wrong. Danger cannot poſſibly ariſe from any other cauſe.

Permit me to offer a few ideas to your minds; and let them be the ſubject of more than one hour's reflection.

An oath creates no new obligation. A witneſs, who ſwears to tell the whole truth, is under no new obligation to tell the whole truth. An oath reminds him of his duty; he ſwears to do as he ought to do; that is, he adds an expreſs promiſe to an implied one. A moral obligation is not capable of addition or diminution.

When a man ſteps his foot into a State, he becomes ſubject to its general laws. When he joins it as a member, he is ſubject to all its laws. The act of entering into ſociety, binds him to ſubmit to its laws, and to promote its intereſt. Every man, who livs under a government, is under allegiance to that government. Ten thouſand oaths do not increaſe the obligation upon him to be a faithful ſubject.

But, it will be aſked, how ſhall we diſtinguiſh between the friends and enemies of the government? I anſwer, by annihilating all diſtinctions. A good conſtitution, and good laws, make good ſubjects. I challenge the hiſtory of mankind to produce an inſtance of bad ſubjects under a good government. The teſt law in Penſylvania has produced more diſorder, by making enemies in this State, than have curſed all the union beſides. During the war, every thing gave way to force; but the feelings and principles of war ought to be forgotten in peace.

Abjuration I

Abjuration! a badge of folly, borrowed from the dark ages of bigotry. If the government of Penſylvavia is better than that of Great Britain, the ſubjects will prefer it, and abjuration is perfectly nugatory. If not, the ſubject will have his partialities in ſpite of any ſolemn renunciation of a foreign power.

But what right has even the Legiſlature to deprive any claſs of citizens of the benefits and emoluments of civil government? If any men have forfeited their lives or eſtates, they are no longer ſubjects; they ought to be baniſhed or hung. If not, no law ought to exclude them from civil emoluments. If any have committed public crimes, they are puniſhable; if any have been guilty, and have not been detected, the oath, as it now ſtands, obliges them to confeſs their guilt. To take the oath, is an implicit acknowlegement of innocence; to refuſe it, is an implicit confeſſion that the perſon has aided and abetted the enemy. This is rank deſpotiſm. The inquiſition can do no more than force confeſſion from the accuſed.

I pray God to enlighten the minds of the Americans. I wiſh they would ſhake off every badge of tyranny. Americans!—The beſt way to make men honeſt, is to let them enjoy equal rights and privileges; never ſuſpect a ſet of men will be rogues, and make laws proclaiming that ſuſpicion. Leave force to govern the wretched vaſſals of European nabobs, and reconcile ſubjects to your own conſtitutions by their excellent nature and beneficial effects. No man will commence enemy to a government which givs him as many privileges as his neighbors enjoy.

No.

No. XV.

SKETCHES *of the* RISE, PROGRESS *and* CONSEQUENCES *of the late* REVOLUTION.

Written in the years 1787, 1788, and 1789; now republiſhed, with material corrections, and a LETTER from the late COMMANDER in CHIEF, explaining the Circumſtances and Proceedings, preparatory to the Capture of Lord CORNWALLIS.

AMERICA was originally peopled by uncivilized nations, which lived moſtly by hunting and fiſhing. The Europeans, who firſt viſited theſe ſhores, treating the nativs as wild beaſts of the foreſt, which have no property in the woods where they roam, planted the ſtandard of their reſpectiv maſters where they firſt landed, and in their names claimed the country by *right of diſcovery*.* Prior to any ſettlement in North America numerous titles of this kind were acquired by the Engliſh, French, Spaniſh, and Dutch navigators, who came hither for the purpoſes of fiſhing and trading with the nativs. Slight as ſuch titles were, they were afterwards the cauſes of contention between the European nations. The ſubjects of different princes often laid claim to the ſame tract of country, becauſe both had diſcovered the ſame river or promontary; or becauſe the extent of their reſpectiv claims was indeterminate.

While the ſettlements in this vaſt uncultivated country were inconſiderable and ſcattered, and the trade of it confined to the bartering of a few trinkets for furs, a trade carried on by a few adventurers, the interfering of claims produced no important controverſy among the

* As well may the New Zealanders, who have not yet diſcovered Europe, fit out a ſhip, land on the coaſt of England or France, and, finding no inhabitants but poor fiſhermen and peaſants, claim the whole country by *right of diſcovery*.

the ſettlers or the nations of Europe. But in proportion to the progreſs of population, and the growth of the American trade, the jealouſies of the nations, which had made early diſcoveries and ſettlements on this coaſt, were alarmed; ancient claims were revived; and each power took meaſures to extend and ſecure its own poſſeſſions at the expenſe of a rival.

By the treaty of Utrecht in 1713, the Engliſh claimed a right of cutting logwood in the Bay of Campeachy, in South America. In the exerciſe of this right, the Engliſh merchants had frequent opportunities of carrying on a contraband trade with the Spaniſh ſettlements on the continent. To remedy this evil, the Spaniards reſolved to annihilate a claim, which, though often acknowleged, had never been clearly aſcertained. To effect this deſign, they captured the Engliſh veſſels, which they found along the Spaniſh Main, and many of the Britiſh ſubjects were doomed to work in the mines of Potoſi.

Repeated ſeverities of this kind at length (1739) produced a war between England and Spain. Porto Bello was taken from the Spaniards, by Admiral Vernon. Commodore Anſon, with a ſquadron of ſhips, ſailed to the South Seas, diſtreſſed the Spaniſh ſettlements on the weſtern ſhore of America, and took a galleon, laden with immenſe riches. But in 1741 a formidable armament, deſtined to attack Carthagena, under the command of Lord Cathcart, returned unſucceſsful, with the loſs of upwards of twelve thouſand Britiſh ſoldiers and ſeamen; and the defeat of the expedition, raiſed a clamor againſt the miniſter, Sir Robert Walpole, which produced a change in the adminiſtration. This change removed the ſcene of war to Europe, ſo that America was not immediately affected by the ſubſequent tranſactions; except that Louiſburgh, the principal fortreſs of Cape Breton, was taken from the French by General Pepperell, aſſiſted by Commodore Warren and a body of New England troops.

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This war was ended in 1748 by the treaty of peace ſigned at Aix la Chapelle, by which reſtitution was made on both ſides of all places taken during the war.

Peace, however, was of ſhort duration. The French poſſeſſed Canada, and had made conſiderable ſettlements in Florida, claiming the country on both ſides of the Miſſiſippi, by right of diſcovery. To ſecure and extend their claims, they eſtabliſhed a line of forts, on the Engliſh poſſeſſions, from Canada to Florida. They had ſecured the important paſs at Niagara, and erected a fort at the junction of the Allegany and Monongahela rivers, called Fort Du Queſne. They took pains to ſecure the friendſhip and aſſiſtance of the nativs, encroachments were made upon the Engliſh poſſeſſions, and mutual injuries ſucceeded. The diſputes among the ſettlers in America, and the meaſures taken by the French to command all the trade of the St. Lawrence river on the north, and of the Miſſiſippi on the ſouth, excited a jealouſy in the Engliſh nation, which ſoon broke forth in open war.

In 1756, four expeditions were undertaken in America againſt the French. One was conducted by General Monckton, who had orders to drive the French from the encroachments on the province of Nova Scotia. This expedition was attended with ſucceſs. General Johnſon was ordered, with a body of troops, to take poſſeſſion of Crown Point, but he did not ſucceed. General Shirley commanded an expedition againſt the fort at Niagara, but loſt the ſeaſon by delay. General Braddock marched againſt fort Du Queſne, but in penetrating through the wilderneſs, he incautiouſly fell into an ambuſcade and ſuffered a total defeat. General Braddock was killed, but a part of his troops were ſaved by the prudence and bravery of General Waſhington, at this time a Colonel, who then began to exhibit proofs of thoſe military talents, by which he afterwards conducted the armies of America to victory, and his country to independence. The ill

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ſucceſs of theſe expeditions left the Engliſh ſettlements in America expoſed to the depredations of both the French and Indians. But the war now raged in Europe and the Eaſt Indies, and engaged the attention of both nations in thoſe quarters.

It was not until the campaign in 1758, that affairs aſſumed a more favorable aſpect in America. But upon a change of adminiſtration, Mr. Pitt was appointed Prime Miniſter, and the operations of war became more vigorous and ſucceſsful. General Amherſt was ſent to take poſſeſſion of Cape Breton; and after a warm ſiege, the garriſon of Louiſburgh ſurrendered by capitulation. General Forbes was ſucceſsful in taking poſſeſſion of fort Du Queſne, which the French thought fit to abandon. But General Abercrombie, who commanded the troops deſtined to act againſt the French at Crown Point and Ticonderoga, attacked the lines at Ticonderoga, where the enemy were ſtrongly entrenched, and was defeated with a terrible ſlaughter of his troops. After his defeat, he returned to his camp at Lake George.

The next year, more effectual meaſures were taken to ſubdue the French in America. General Prideaux and Sir William Johnſon began the operations of the campaign by taking the French fort near Niagara.* General Amherſt took poſſeſſion of the forts at Crown Point and Ticonderoga, which the French had abandoned.

But the deciſiv blow, which proved fatal to the French intereſts in America, was the defeat of the French army, and the taking of Quebec, by the brave general Wolfe. This hero was ſlain in the beginning of the action, on the plains of Abram, and Monſieur Montcalm, the French commander, likewiſe loſt his life. The loſs of Quebec was ſoon followed by the capture of Montreal, by General Amherſt, and Canada has remained ever ſince in poſſeſſion of the Engliſh.

Colonel

* General Prideaux was killed by the burſting of a mortar, before the ſurrender of the French.

Colonel Grant, in 1761, defeated the Cherokees in Carolina, and obliged them to ſue for peace. The next year, Martinico was taken by Admiral Rodney and General Monkton; and alſo the iſlands of Grenada, St. Vincents, and others. The capture of theſe was ſoon followed by the ſurrender of the Havanna, the capital of the iſland of Cuba.

In 1763, a definitiv treaty of peace was concluded at Paris, between Great Britain, France and Spain, by which the Engliſh ceded to the French ſeveral iſlands in the Weſt Indies, but were confirmed in the poſſeſſion of all North America on this ſide the Miſſiſippi, except New Orleans, and a ſmall diſtrict of the neighboring country.

But this war, however brilliant the ſucceſs, and glorious the event, proved the cauſe of great and unexpected misfortunes to Great Britain. Engaged with the combined powers of France and Spain, during ſeveral years, her exertions were ſurpriſing, and her expenſe immenſe. To diſcharge the debts of the nation, the parliament was obliged to have recourſe to new expedients for raiſing money. Previous to the laſt treaty in 1763, the parliament had been ſatisfied to raiſe a revenue from the American Colonies by monopoly of their trade.

At the beginning of the laſt war with France, commiſſioners from many of the colonies had aſſembled at Albany, and propoſed that a great council ſhould be formed by deputies from the ſeveral colonies, which, with a general Governor to be appointed by the crown, ſhould be empowered to take meaſures for the common ſafety, and to raiſe money for the execution of their deſigns. This propoſal was not reliſhed by the Britiſh miniſtry; but in place of this plan, it was propoſed, that the Governors of the colonies, with the aſſiſtance of one or two of their council, ſhould aſſemble and concert meaſures for the general defence; erect forts, levy troops, and draw on the treaſury of England for monies that ſhould be wanted; but the treaſury to be reimburſed by a tax on the colonies, to be laid by

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the Engliſh parliament. To this plan, which would imply an avowal of the right of parliament to tax the colonies, the provincial aſſemblies objected with unſhaken firmneſs. It ſeems, therefore, that the Britiſh parliament, *before* the war, had it in contemplation to exerciſe the right they claimed of taxing the colonies at pleaſure, without permitting them to be repreſented. Indeed it is obvious that they laid hold of the alarming ſituation of the colonies about the year 1754, and 1755, to force them into an acknowlegement of the right, or to the adoption of meaſures that might afterwards be drawn into precedent. The colonies however, with an uncommon foreſight and firmneſs, defeated all their attempts. The war was carried on by requiſitions on the colonies for ſupplies of men and money, or by voluntary contributions.

But no ſooner was peace concluded, than the Engliſh parliament reſumed the plan of taxing the colonies; and to juſtify their attempts, ſaid, that the money to be raiſed, was to be appropriated to defray the expenſe of defending them in the late war.

The firſt attempt to raiſe a revenue in America appeared in the memorable *ſtamp act*, paſſed March 22, 1765; by which it was enacted that certain inſtruments of writing, as bills, bonds, &c. ſhould not be valid in law, unleſs drawn on ſtamped paper, on which a duty was laid. No ſooner was this act publiſhed in America, than it raiſed a general alarm. The people were filled with apprehenſions at an act which they ſuppoſed an attack on their conſtitutional rights. The colonies petitioned the king and parliament for a redreſs of the grievance, and formed aſſociations for the purpoſe of preventing the importation and uſe of Britiſh manufactures, until the act ſhould be repealed. This ſpirited and unanimous oppoſition of the Americans produced the deſired effect; and on the 18th of March, 1766, the ſtamp act was repealed. The news of the repeal was received in the colonies with univerſal joy, and the trade between them and Great Britain was renewed on the moſt liberal footing.

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The parliament, by repealing this act, ſo obnoxious to their American brethren, did not intend to lay aſide the ſcheme of raiſing a revenue in the colonies, but merely to change the mode. Accordingly the next year, they paſſed an act, laying a certain duty on glaſs, tea, paper, and painters' colors; articles which were much wanted, and not manufactured, in America. This act kindled the reſentment of the Americans, and excited a general oppoſition to the meaſure; ſo that parliament thought proper in 1770, to take off theſe duties, except three pence a pound on tea. Yet this duty, however trifling, kept alive the jealouſy of the coloniſts, and their oppoſition to parliamentary taxation continued and increaſed.

But it muſt be remembered that the inconvenience of paying the duty was not the ſole, nor principal cauſe of the oppoſition, it was the *principle* which, once admitted, would have ſubjected the colonies to unlimited parliamentary taxation, without the privilege of being repreſented. The *right*, abſtractly conſidered, was denied; and the ſmalleſt attempt to eſtabliſh the claim by precedent, was uniformly reſiſted. The Americans could not be deceived as to the views of parliament; for the repeal of the ſtamp act was accompanied with an unequivocal declaration, "that the parliament had a right to make laws of ſufficient validity to bind the colonies in all caſes whatſoever."

The colonies therefore entered into meaſures to encourage their own manufactures, and home productions, and to retrench the uſe of foreign ſuperfluities; while the importation of tea was prohibited. In the royal and proprietary governments, the Governors and people were in a ſtate of continual warfare. Aſſemblies were repeatedly called, and ſuddenly diſſolved. While ſitting, the aſſemblies employed the time in ſtating grievances and framing remonſtrances. To inflame theſe diſcontents, an act of parliament was paſſed, ordaining that the Governors and Judges ſhould receive their ſalaries of the crown; thus making them independent of the provincial aſſemblies, and removeable only at the pleaſure of the king. Theſe

These arbitrary proceedings, with many others not here mentioned, could not fail of producing a rupture. The first act of violence, was the massacre at Boston, on the evening of the fifth of March, 1770. A body of British troops had been stationed in Boston to awe the inhabitants, and enforce the measures of parliament. On the fatal day, when blood was to be shed, as a preclude to more tragic scenes, a riot was raised among some soldiers and boys; the former aggressing by throwing snow balls at the latter. The bickerings and jealousies between the inhabitants and soldiers, which had been frequent before, now became serious. A multitude was soon collected, and the controversy became so warm, that to disperse the people, the troops were embodied and ordered to fire upon the inhabitants. This fatal order was executed, and several persons fell a sacrifice. The people restrained their vengeance at the time; but this wanton act of cruelty and military despotism fanned the flame of liberty; a flame that was not to be extinguished but by a total separation of the colonies from their oppressiv and hostile parent.

In 1773, the spirit of the Americans broke out into open violence. The Gaspee, an armed schooner, belonging to his Britannic Majesty, had been stationed at Providence, in Rhode Island, to prevent smuggling. The vigilance of the commander irritated the inhabitants to that degree, that about two hundred armed men entered the vessel at night, compelled the officers and men to go on shore, and set fire to the schooner. A reward of five hundred pounds, offered by government for apprehending any of the persons concerned in this daring act, produced no effectual discovery.

About this time, the discovery and publication of some private confidential letters, written by the royal officers in Boston, to persons in office in England, served to confirm the apprehensions of the Americans, with respect to the designs of the British government. It was now made obvious that more effectual measures would be taken to establish the supremacy of the British parliament over the colonies. The letters rec-

ommended deciſiv meaſures, and the writers were charged, by the exaſperated Americans, with betraying their truſt and the people they governed.

As the reſolutions of the colonies not to import or conſume tea, had, in a great meaſure, deprived the Engliſh government of a revenue from this quarter, the parliament formed a ſcheme of introducing tea into America, under cover of the Eaſt India company. For this purpoſe an act was paſſed, enabling the company to export all ſorts of teas, duty free, to any place whatever. The company departed from their uſual mode of buſineſs and became their own exporters. Several ſhips were freighted with teas, and ſent to the American colonies, and factors were appointed to receive and diſpoſe of their cargoes.

The Americans, determined to oppoſe the revenue ſyſtem of the Engliſh parliament in every poſſible ſhape, conſidered the attempt of the Eaſt India company to evade the reſolutions of the colonies, and diſpoſe of teas in America, as an indirect mode of taxation, ſanctioned by the authority of parliament. The people aſſembled in various places, and in the large commercial towns, took meaſures to prevent the landing of the teas. Committees were appointed, and armed with extenſiv powers to inſpect merchants' books, to propoſe teſts, and make uſe of other expedients to fruſtrate the deſigns of the Eaſt India company. The ſame ſpirit pervaded the people from New Hampſhire to Georgia. In ſome places, the conſignees of the teas were intimidated ſo far as to relinquiſh their appointments, or to enter into engagements not to act in that capacity. The cargo ſent to South Carolina was ſtored, the conſignees being reſtrained from offering the tea for ſale. In other provinces, the ſhips were ſent back without diſcharging their cargoes.

But in Boſton the tea ſhared a more violent fate. Senſible that no legal meaſures could prevent its being landed, and that if once landed, it would be diſpoſed of; a number of men in diſguiſe, on the 18th of December 1773, entered the ſhips and threw overboard

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three hundred and forty cheſts of it, which was the proportion belonging to the Eaſt India company. No ſooner did the news of this deſtruction of the tea reach Great Britain, than the parliament determined to puniſh that devoted town. On the king's laying the American papers before them, a bill was brought in and paſſed, "to diſcontinue the landing and diſcharging, lading and ſhipping of goods, wares and merchandizes at the town of Boſton, or within the harbor."

This act, paſſed March 25, 1774, called the Boſton port bill, threw the inhabitants of Maſſachuſetts into the greateſt conſternation. The town of Boſton paſſed a reſolution, expreſſing their ſenſe of this oppreſſiv meaſure, and a deſire that all the colonies would concur to ſtop all importation from Great Britain. Moſt of the colonies entered into ſpirited reſolutions, on this occaſion, to unite with Maſſachuſetts in a firm oppoſition to the unconſtitutional meaſures of the parliament. The firſt of June, the day on which the port bill was to take place, was appointed to be kept as a day of humiliation, faſting and prayer throughout the colonies, to ſeek the divine direction and aid, in that critical and gloomy juncture of affairs.

During the height of the conſternation and confuſion which the Boſton port bill occaſioned; at the very time when a town meeting was ſitting to conſider of it, General Gage, who had been appointed to the government of Maſſachuſetts, arrived in the harbor. His arrival however did not allay the popular ferment, or check the progreſs of the meaſures then taking, to unite the colonies in oppoſition to the oppreſſiv act of parliament.

But the port bill was not the only act that alarmed the apprehenſions of the Americans. Determined to compel the province of Maſſachuſetts to ſubmit to their laws, parliament paſſed an act for "the better regulating government in the province of Maſſachuſetts Bay." The object of this act was to alter the government, as it ſtood on the charter of king William, to take the appointment of the executiv out of the hands of the people, and place it in the crown; thus making even the

judges and ſheriffs dependent on the king, and removeable only at his pleaſure.

This act was ſoon followed by another, which ordained that any perſon, indicted for murder, or other capital offence, committed in aiding the magiſtrates in executing the laws, might be ſent by the governor either to another colony, or to Great Britain for his trial.

This was ſoon followed by the Quebec bill; which extended the bounds of that province, and granted many privileges to the Roman Catholics. The object of this bill was, to ſecure the attachment of that province to the crown of England, and prevent its joining the colonies in their reſiſtance to the laws of parliament.

But theſe meaſures did not intimidate the Americans. On the other hand they ſerved to confirm their former apprehenſions of the evil deſigns of government, and to unite the colonies in their oppoſition. A correſpondence of opinion with reſpect to the unconſtitutional acts of parliament, produced a uniformity of proceedings in the colonies. The people generally concurred in a propoſition for holding a Congreſs by deputation from the ſeveral colonies, in order to concert meaſures for the preſervation of their rights. Deputies were accordingly appointed, and met at Philadelphia, on the 26th of October, 1774.

In this firſt Congreſs, the proceedings were cool, deliberate and loyal; but marked with unanimity and firmneſs. Their firſt act was a declaration, or ſtate of their claims as to the enjoyment of all the rights of Britiſh ſubjects, and particularly that of taxing themſelves excluſively, and of regulating the internal police of the colonies. They alſo drew up a petition to the king, complaining of their grievances and praying for a repeal of the unconſtitutional and oppreſſiv acts of parliament. They ſigned an aſſociation to ſuſpend the importation of Britiſh goods, and the exportation of American produce, until their grievances ſhould be redreſſed. They ſent an addreſs to the inhabitants of Great Britain, and another to the people of America;

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in the former of which they enumerated the oppreſſiv ſteps of parliament, and called on their Britiſh brethren not to aid the miniſtry in enſlaving their American ſubjects; and in the latter, they endeavored to confirm the people in a ſpirited and unanimous determination to defend their conſtitutional rights.

In the mean time, every thing in Maſſachuſetts wore the appearance of oppoſition by force. A new council for the Governor had been appointed by the crown. New judges were appointed, and attempted to proceed in the execution of their office. But the juries refuſed to be ſworn under them; in ſome counties, the people aſſembled to prevent the courts from proceeding to buſineſs; and in Berkſhire they ſucceeded, ſetting an example of reſiſtance that has ſince been followed, in violation of the laws of the State.

In this ſituation of affairs, the day for the annual muſter of the militia approached. General Gage, apprehenſiv of ſome violence, had the precaution to ſeize the magazines of ammunition and ſtores at Cambridge and Charleſtown, and lodged them in Boſton. This meaſure, with the fortifying of that neck of land which joins Boſton to the main land at Roxbury, cauſed a univerſal alarm and ferment. Several thouſand people aſſembled, and it was with difficulty they could be reſtrained from falling upon the Britiſh troops.

On this occaſion, an aſſembly of delegates from all the towns in Suffolk county, was called; and ſeveral ſpirited reſolutions were agreed to. Theſe reſolutions were prefaced with a declaration of allegiance; but they breathed a ſpirit of freedom that does honor to the delegates. They declared that the late acts of parliament and the proceedings of General Gage, were glaring infractions of their rights and liberties, which their duty called them to defend by all lawful means.

This aſſembly remonſtrated againſt the fortification of Boſton neck, and againſt the Quebec bill; and reſolved upon a ſuſpenſion of commerce, and encouragement of arts and manufactures, the holding of a provincial Congreſs, and a ſubmiſſion to the meaſures which

which ſhould be recommended by the Continental Congreſs. They recommended that the collectors of taxes ſhould not pay any money into the treaſury, without further orders; they alſo recommended peace and good order, as they meant to act merely upon the defenſiv.

In anſwer to their remonſtrance, General Gage aſſured them that he had no intention to prevent the free egreſs and regreſs of the inhabitants to and from the town of Boſton, and that he would not ſuffer any perſon under his command to injure the perſon or property of any of his majeſty's ſubjects.

Previous to this, a General Aſſembly had been ſummoned to meet; and notwithſtanding the writs had been countermanded by the Governor's proclamation, on account of the violence of the times and the reſignation of ſeveral of the new counſellors, yet repreſentativs were choſen by the people, who met at Salem, reſolved themſelves into a provincial Congreſs, and adjourned to Concord.

This Congreſs addreſſed the Governor with a rehearſal of their diſtreſſes, and took the neceſſary ſteps for defending their rights. They regulated the militia, made proviſion for ſupplying the treaſury, and furniſhing the people with arms; and ſuch was the enthuſiaſm and union of the people, that the recommendations of the provincial Congreſs had the force of laws.

General Gage was incenſed at theſe meaſures; he declared, in his anſwer to the addreſs, that Britain could never harbor the black deſign of enſlaving her ſubjects, and publiſhed a proclamation in which he inſinuated that ſuch proceedings amounted to rebellion. He alſo ordered barracks to be erected for the ſoldiers; but he found difficulty in procuring laborers, either in Boſton or New York.

In the beginning of 1775, the fiſhery bills were paſſed in parliament, by which the colonies were prohibited to trade with Great Britain, Ireland or the Weſt Indies, or to take fiſh on the banks of Newfoundland.

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In the diſtreſſes to which theſe acts of parliament reduced the town of Boſton, the unanimity of the colonies was remarkable, in the large ſupplies of proviſion, furniſhed by the inhabitants of different towns from New Hampſhire to Georgia, and ſhipped to the relief of the ſufferers.

Preparations began to be made, to oppoſe by force, the execution of theſe acts of parliament. The militia of the country were trained to the uſe of arms; great encouragement was given for the manufacture of gunpowder, and meaſures were taken to obtain all kinds of military ſtores.

In February, Colonel Leſlie was ſent with a detachment of troops from Boſton, to take poſſeſſion of ſome cannon at Salem. But the people had intelligence of the deſign, took up the draw bridge in that town, and prevented the troops from paſſing, until the cannon were ſecured; ſo that the expedition failed.

In April, Colonel Smith, and Major Pitcairn were ſent with a body of about nine hundred troops, to deſtroy the military ſtores which had been collected at Concord, about twenty miles from Boſton. It is believed, that another object of this expedition, was to ſeize on the perſons of Meſſrs. Hancock and Adams, who, by their ſpirited exertions, had rendered themſelves very obnoxious to General Gage. At Lexington, the militia were collected on a green, to oppoſe the incurſion of the Britiſh forces. Theſe were fired upon by the Britiſh troops, and eight men killed on the ſpot.

The militia were diſperſed, and the troops proceeded to Concord; where they deſtroyed a few ſtores. But on their return, they were inceſſantly harraſſed by the Americans, who, inflamed with juſt reſentment, fired upon them from houſes and fences, and purſued them to Boſton. The loſs of the Britiſh in this expedition, in killed, wounded and priſoners, was two hundred and ſeventy three men.

Here was ſpilt the *firſt blood* in the late war; a war which ſevered America from the Britiſh empire. *Lexington*

ington opened the firſt ſcene of this great drama, which, in its progreſs, exhibited the moſt illuſtrious characters and events, and cloſed with a revolution, equally glorious for the actors, and important in its conſequences to mankind.

This battle roufed all America. The militia collected from all quarters, and Boſton, in a few days was beſieged by twenty thouſand men. A ſtop was put to all intercourſe between the town and country, and the inhabitants were reduced to great want of proviſions. General Gage promiſed to let the people depart, if they would deliver up their arms. The people complied; but when the General had obtained their arms, the perfidious man refuſed to let the people go.

In the mean time, a ſmall number of men, to the amount of about two hundred and forty, under the command of Colonel Allen, and Colonel Eaſton, without any public orders, ſurpriſed and took the Britiſh garriſons at Ticonderoga and Crown Point, without the loſs of a man on either ſide.

During theſe tranſactions, the Generals Howe, Burgoyne, and Clinton, arrived at Boſton from England, with a number of troops. In June following, our troops attempted to fortify Bunker's hill, which lies near Charleſtown, and but a mile and an half from Boſton. They had, during the night, thrown up a ſmall breaſt work, which ſheltered them from the fire of the Britiſh cannon. But the next morning, the Britiſh army was ſent to drive them from the hill, and, landing under cover of their cannon, they ſet fire to Charleſtown, which was conſumed, and marched to attack our troops in the entrenchments. A ſevere engagement enſued, in which the Britiſh, according to their own accounts, had ſeven hundred and forty killed, and eleven hundred and fifty wounded. They were repulſed at firſt, and thrown into diſorder; but they finally carried the fortification, with the point of the bayonet. The Americans ſuffered a ſmall loſs, compared with the Britiſh; the whole loſs in killed, wounded, and priſoners, being but about four hundred and fifty.

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The loſs moſt lamented on this bloody day, was that of Dr. Warren, who was at this time a Major General, and commanded the troops on this occaſion. He died like a brave man, fighting valiantly at the head of his party, in a little redoubt at the right of our lines.

General Warren, who had rendered himſelf conſpicuous by his univerſal merit, abilities, and eloquence, had been a delegate to the firſt general Congreſs, and was at this time Preſident of the provincial Congreſs of Maſſachuſetts. But quitting the humane and peaceable walk of his profeſſion as a phyſician, and breaking through the endearing ties of family connexions, he proved himſelf equally calculated for the field, as for public buſineſs or private ſtudy.

About this time, the Continental Congreſs appointed George Waſhington, Eſq. a nativ of Virginia, to the chief command of the American army. This gentleman had been a diſtinguiſhed and ſucceſsful officer in the preceding war, and he ſeemed deſtined by heaven to be the ſavior of his country. He accepted the appointment with a diffidence which was a proof of his prudence and his greatneſs. He refuſed any pay for eight years laborious and arduous ſervice; and by his matchleſs ſkill, fortitude and perſeverance, conducted America thro, indeſcribeable difficulties, to independence and peace.

While true merit is eſteemed, or virtue honored, mankind will never ceaſe to revere the memory of this Hero; and while gratitude remains in the human breaſt, the praiſes of WASHINGTON ſhall dwell on every American tongue.

General Waſhington, with other officers appointed by Congreſs, arrived at Cambridge, and took command of the American army in July. From this time, the affairs of America began to aſſume the appearance of a regular and general oppoſition to the forces of Great Britain.

In autumn, a body of troops, under the command of General Montgomery, beſieged and took the garriſon

riſon at St. John's, which commands the entrance into Canada. The priſoners amounted to about ſeven hundred. General Montgomery purſued his ſucceſs, and took Montreal; and deſigned to puſh his victories to Quebec.

A body of troops, commanded by General Arnold, was ordered to march to Canada, by the river Kennebeck, and through the wilderneſs. After ſuffering every hardſhip, and the moſt diſtreſſing hunger, they arrived in Canada, and were joined by General Montgomery, before Quebec. This city, which was commanded by Governor Carleton, was immediately beſieged. But there being little hope of taking the town by a ſiege, it was determined to ſtorm it.

The attack was made on the laſt day of December, but proved unſucceſsful, and fatal to the brave General, who, with his aid, was killed in attempting to ſcale the walls.

Of the three diviſions which attacked the town, one only entered, and that was obliged to ſurrender to ſuperior force. After this defeat, General Arnold, who now commanded the troops, continued ſome months before Quebec, altho his troops ſuffered incredibly by cold and ſickneſs. But the next ſpring, the Americans were obliged to retreat from Canada.

About this time, the large and flouriſhing town of Norfolk, in Virginia, was wantonly burnt by order of lord Dunmore, the then royal Governor of that province.

General Gage went to England in September, and was ſucceeded in the command, by General Howe.

Falmouth, a conſiderable town in the province of Maine, in Maſſachuſetts, ſhared the fate of Norfolk; being laid in aſhes by order of the Britiſh admiral.

The Britiſh king entered into treaties with ſome of the German princes for about ſeventeen thouſand men, who were to be ſent to America the next year, to aſſiſt in ſubduing the colonies. The parliament alſo paſſed an act, forbidding all intercourſe with America; and while they repealed the Boſton port and fiſhery bills, they declared all American property on the high ſeas, forfeited

forfeited to the captors. This act induced Congreſs to change the mode of carrying on the war; and meaſures were taken to annoy the enemy in Boſton. For this purpoſe, batteries were opened on ſeveral hills, from whence ſhot and bombs were thrown into the town. But the batteries which were opened on Dorcheſter point had the beſt effect, and ſoon obliged General Howe to abandon the town. In March, 1776, the Britiſh troops embarked for Halifax, and General Waſhington entered the town in triumph.

In the enſuing ſummer, a ſmall ſquadron of ſhips commanded by Sir Peter Parker, and a body of troops under the Generals Clinton and Cornwallis, attempted to take Charleſton, the capital of South Carolina. The ſhips made a violent attack upon the fort on Sullivan's Iſland, but were repulſed with great loſs, and the expedition was abandoned.

In July, Congreſs publiſhed their declaration of independence, which ſeparated America from Great Britain. This great event took place two hundred and eighty four years after the firſt diſcovery of America by Columbus; one hundred and ſixty ſix, from the firſt effectual ſettlement in Virginia; and one hundred and fifty ſix from the firſt ſettlement of Plymouth, in Maſſachuſetts, which were the earlieſt Engliſh ſettlements in America.

Juſt after this declaration, General Howe with a powerful force arrived near New York, and landed the troops upon Staten Iſland. General Waſhington was in New York with about thirteen thouſand men, who were encamped either in the city or the neighboring fortifications.

The operations of the Britiſh began by the action on Long Iſland, in the month of Auguſt. The Americans were defeated, and General Sullivan and lord Sterling, with a large body of men, were made priſoners. The night after the engagement, a retreat was ordered, and executed with ſuch ſilence, that the Americans left the iſland without alarming their enemies, and without loſs.

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In September, the city of New York was abandoned by the American army, and taken by the Britiſh.

In November, Fort Waſhington, on York Iſland, was taken, and more than two thouſand men made priſoners. Fort Lee, oppoſit to Fort Waſhington, on the Jerſey ſhore, was ſoon after taken, but the garriſon eſcaped.

About the ſame time, General Clinton was ſent with a body of troops to take poſſeſſion of Rhode Iſland; and ſucceeded. In addition to all theſe loſſes and defeats, the American army ſuffered by deſertion, and more by ſickneſs, which was epidemic, and very mortal.

The northern army at Ticonderoga, was in a diſagreeable ſituation, particularly after the battle on Lake Champlain, in which the American force, conſiſting of a few light veſſels, under the command of Generals Arnold and Waterbury, was totally diſperſed. But General Carleton, inſtead of purſuing his victory, landed at Crown Point, reconnoitered our poſts at Ticonderoga and Mount Independence, and returned to winter quarters in Canada.

The American army might now be ſaid to be no more. All that now remained of an army, which at the opening of the campaign, amounted to at leaſt twenty five thouſand men, did not now exceed three thouſand. The term of their engagements being expired, they returned, in large bodies, to their families and friends; the few, who from perſonal attachment, local circumſtances, or ſuperior perſeverance and bravery, continued with the Generals Waſhington and Lee, were too inconſiderable to appear formidable in the view of a powerful and victorious enemy.

In this alarming and critical ſituation of affairs, General Lee, through an imprudent careleſſneſs, which ill became a man in his important ſtation, was captured by a party of the Britiſh light horſe, commanded by Colonel Harcourt; this unfortunate circumſtance gave a ſevere ſhock to the remaining hopes of the little army, and rendered their ſituation truly diſtreſſing.

While

While theſe things were tranſacting in New Jerſey, General Waſhington, far from being diſcouraged by the loſs of General Lee, and always ready to improve every advantage to raiſe the drooping ſpirits of his handful of men, had made a ſtand on the Penſylvania ſide of the Delaware. Here he collected his ſcattered forces, called in the aſſiſtance of the Penſylvania militia, and on the night of the 25th of December, (1776) when the enemy were lulled into ſecurity by the idea of his weakneſs, and by the inclemency of the night, which was remarkably boiſterous, as well as by the fumes of a Chriſtmas eve, he croſſed the river, and at the breaking of day, marched down to Trenton, and ſo completely ſurpriſed them, that the greater part of the detachment which were ſtationed at this place, ſurrendered after a ſhort reſiſtance. The horſemen and a few others made their eſcape at the oppoſit end of the town. Upwards of nine hundred Heſſians were taken priſoners at this time.

This ſucceſsful expedition firſt gave a favorable turn to our affairs, which, after this, ſeemed to brighten thro the whole courſe of the war. Soon after, General Waſhington attacked the Britiſh troops at Princeton, and obtained a complete victory; not, however, without being bravely oppoſed by Colonel Mawhood.

The addreſs in planning and executing theſe enterpriſes, reflected the higheſt honor on the commander, and the ſucceſs revived the deſponding hopes of America. The loſs of General Mercer, a gallant officer, at Princeton, was the principal circumſtance that allayed the joys of victory.

The following year, 1777, was diſtinguiſhed by very memorable events, in favor of America. On the opening of the campaign, Governor Tryon was ſent with a body of troops, to deſtroy the ſtores at Danbury, in Connecticut. This plan was executed, and the town moſtly burnt. The enemy ſuffered in their retreat, and the Americans loſt General Wooſter, a brave and experienced officer.

General

General Preſcot was taken from his quarters, on Rhode Iſland, by the addreſs and enterpriſe of Colonel Barton, and conveyed priſoner to the continent.

General Burgoyne, who commanded the northern Britiſh army, took poſſeſſion of Ticonderoga, which had been abandoned by the Americans. He puſhed his ſucceſſes, croſſed Lake George, and encamped upon the banks of the Hudſon, near Saratoga. His progreſs, however, was checked, by the defeat of Colonel Baum, near Bennington, in which the undiſciplined militia of Vermont, under General Stark, diſplayed unexampled bravery, and captured almoſt the whole detachment.

The militia aſſembled from all parts of New England, to ſtop the progreſs of General Burgoyne.

Theſe, with the regular troops, formed a reſpectable army, commanded by General Gates. After two ſevere actions, in which the Generals Lincoln and Arnold, behaved with uncommon gallantry, and were wounded, General Burgoyne found himſelf encloſed with brave troops, and was forced to ſurrender his whole army, amounting, according to ſome, to ten thouſand, and according to others, to five thouſand ſeven hundred and fifty two men, into the hands of the Americans. This memorable event happened on the 17th of October, 1777; and diffuſed an univerſal joy over America, and laid a foundation for the treaty with France.

But before theſe tranſactions, the main body of the Britiſh forces had embarked at New York, ſailed up the Cheſapeak, and landed at the head of Elk river. The army ſoon began their march for Philadelphia. General Waſhington had determined to oppoſe them, and for this purpoſe made a ſtand, firſt at Red Clay Creek, and then upon the heights, near Brandywine Creek. Here the armies engaged, and the Americans were overpowered, and ſuffered great loſs. The enemy ſoon purſued their march, and took poſſeſſion of Philadelphia towards the cloſe of September.

Not long after, the two armies were again engaged at Germantown, and in the beginning of the action, the

the Americans had the advantage; but by ſome unlucky accident, the fortune of the day was turned in favor of the Britiſh. Both ſides ſuffered conſiderable loſſes; on the ſide of the Americans, was General Naſh.

In an attack upon the forts at Mud Iſland and Red Bank, the Heſſians were unſucceſsful, and their commander, Colonel Donop, killed. The Britiſh alſo loſt the Auguſta, a ſhip of the line. But the forts were afterwards taken, and the navigation of the Delaware opened. General Waſhington was reinforced, with part of the troops which had compoſed the northern army, under General Gates; and both armies retired to winter quarters.

In October, the ſame month in which General Burgoyne was taken at Saratoga, General Vaughan, with a ſmall fleet, ſailed up Hudſon's river, and wantonly burnt Kingſton, a beautiful Dutch ſettlement, on the weſt ſide of the river.

The beginning of the next year, 1778, was diſtinguiſhed by a treaty of alliance between France and America; by which we obtained a powerful and generous ally. When the Engliſh miniſtry were informed that this treaty was on foot, they diſpatched commiſſioners to America, to attempt a reconciliation. But America would not now accept their offers. Early in the ſpring, Count de Eſtaing, with a fleet of fifteen ſail of the line, was ſent by the court of France to aſſiſt America.

General Howe left the army, and returned to England; the command then devolved upon Sir Henry Clinton.

In June, the Britiſh army left Philadelphia, and marched for New York. On their march they were annoyed by the Americans; and at Monmouth, a very regular action took place, between part of the armies; the enemy were repulſed with great loſs, and had General Lee obeyed his orders, a ſignal victory muſt have been obtained. General Lee, for his ill conduct that day,

day, was ſuſpended, and was never afterwards permitted to join the army.

General Lee's conduct, at ſeveral times before this had been very ſuſpicious. In December 1776, he lay at Chatham, about eleven miles from Elizabeth Town, with a brigade of troops, when a great quantity of baggage was ſtored at Elizabeth Town, under a guard of only five hundred Heſſians. General Lee was apriſed of this, and might have ſurpriſed the guard and taken the baggage. But he neglected the opportunity, and after ſeveral marches and counter marches between Troy, Chatham and Morriſtown, he took up his quarters at or near White's tavern, where he was ſurpriſed and taken priſoner by a party of the Britiſh horſe. He was heard to ſay repeatedly, that General Waſhington would ruin a fine army. It was ſuſpected that he had deſigns to ſupplant the General, and his friends attempted to place him at the head of the army. General Waſhington's prudent delays and cautious movements afforded General Lee's friends many opportunities to ſpread reports unfavorable to his character. It was inſinuated, with ſome ſucceſs, that General Waſhington wanted courage and abilities. Reports of this kind, at one time, rendered General Lee very popular, and it is ſuppoſed he wiſhed to fruſtrate General Waſhington's plans, in order to increaſe the ſuſpicions already entertained of his generalſhip, and turn the public clamor in his own favor. His conduct at Monmouth, muſt have proceeded from ſuch a deſign; for he commanded the flower of the American army, and was not deſtitute of courage.

In Auguſt, General Sullivan, with a large body of troops, attempted to take poſſeſſion of Rhode Iſland, but did not ſucceed. Soon after, the ſtores and ſhipping at Bedford in Maſſachuſetts, were burnt by a party of the Britiſh troops. The ſame year, Savannah, then the capital of Georgia, was taken by the Britiſh, under the command of Colonel Campbell.

In the following year (1779) General Lincoln was appointed to the command of the ſouthern army.

Governor

Governor Tryon and Sir George Collier made an incurſion into Connecticut, and burnt, with wanton barbarity, the towns of Fairfield and Norwalk. But the American arms were crowned with ſucceſs, in a bold attack upon Stoney Point, which was ſurpriſed and taken by General Wayne, in the night of the 15th of July. Five hundred men were made priſoners, with little loſs on either ſide.

A party of Britiſh forces attempted this ſummer, to build a fort on Penobſcot river, for the purpoſe of cutting timber in the neighboring foreſts. A plan was laid by Maſſachuſetts, to diſlodge them, and a conſiderable fleet collected for the purpoſe. But the plan failed of ſucceſs, and the whole marine force fell into the hands of the Britiſh, except ſome veſſels which were burnt by the Americans themſelves.

In October, General Lincoln and Count de Eſtaing made an aſſault upon Savannah; but they were repulſed with conſiderable loſs. In this action, the celebrated Poliſh Count Pulaſki, who had acquired the reputation of a brave ſoldier, was mortally wounded.

In this ſummer, General Sullivan marched with a body of troops, into the Indians' country, and burnt and deſtroyed all their proviſions and ſettlements that fell in their way.

On the opening of the campaign, the next year, (1780) the Britiſh troops left Rhode Iſland. An expedition under General Clinton and Lord Cornwallis, was undertaken againſt Charleſton, South Carolina, where General Lincoln commanded. This town, after a cloſe ſiege of about ſix weeks, was ſurrendered to the Britiſh commander; and General Lincoln, and the whole American garriſon were made priſoners.

General Gates was appointed to the command in the ſouthern department, and another army collected. In Auguſt, Lord Cornwallis attacked the American troops at Camden, in South Carolina, and routed them with conſiderable loſs. He afterwards marched through the ſouthern States, and ſuppoſed them entirely ſubdued.

The ſame ſummer, the Britiſh troops made frequent incurſions from New York into the Jerſies; ravaging and plundering the country.

In July, a French fleet, under Monſieur d'Ternay, with a body of land forces, commanded by Count de Rochambeau, arrived at Rhode Iſland, to the great joy of the Americans.

This year was alſo diſtinguiſhed by the infamous treaſon of General Arnold. General Waſhington having ſome buſineſs to tranſact at Wethersfield, in Connecticut, left Arnold to command the important poſt of Weſt Point; which guards a paſs in Hudſon's river, about ſixty miles from New York. Arnold's conduct in the city of Philadelphia, the preceding winter, had been cenſured; and the treatment he received in conſequence, had given him offence.

He determined to take revenge; and for this purpoſe, he entered into a negociation with Sir Henry Clinton, to deliver Weſt Point, and the army, into the hands of the Britiſh. While General Waſhington was abſent, he diſmounted the cannon in ſome of the forts, and took other ſteps to render the taking of the poſt eaſy for the enemy.

But by a providential diſcovery, the whole plan was defeated. Major Andre, aid to General Clinton, a brave officer, who had been ſent up the river as a ſpy, to concert the plan of operations with Arnold, was taken, condemned by a court martial, and executed. Arnold made his eſcape, by getting on board the Vulture, a Britiſh veſſel, which lay in the river. His conduct has ſtamped him with infamy; and, like all traitors, he is deſpiſed by all mankind. General Waſhington arrived in camp juſt after Arnold had made his eſcape, and reſtored order in the garriſon.

After the defeat of General Gates in Carolina, General Greene was appointed to the command in the ſouthern department. From this period, things in that quarter wore a more favorable aſpect. Colonel Tarleton, the activ commander of the Britiſh legion, was defeated by General Morgan, the intrepid commander of the rifle men.

After

After a variety of movements, the two armies met at Guilford, in Carolina. Here was one of the beſt fought actions during the war. General Greene and Lord Cornwallis exerted themſelves at the head of their reſpectiv armies; and although the Americans were obliged to retire from the field of battle, yet the Britiſh army ſuffered an immenſe loſs, and could not purſue the victory. This action happened on the 15th March, 1781.

In the ſpring, Arnold the traitor, who was made a Brigadier General in the Britiſh ſervice, with a ſmall number of troops, ſailed for Virginia, and plundered the country. This called the attention of the French fleet to that quarter; and a naval engagement took place between the Engliſh and French, in which ſome of the Engliſh ſhips were much damaged, and one entirely diſabled.

After the battle of Guilford, General Greene moved towards South Carolina, to drive the Britiſh from their poſts in that State. Here Lord Rawdon obtained an inconſiderable advantage over the Americans, near Camden. But General Greene more than recovered this advantage, by the brilliant and ſucceſsful action at the Eutaw Springs; where General Marian diſtinguiſhed himſelf, and the brave Colonel Waſhington was wounded and taken priſoner.

Lord Cornwallis, finding General Greene ſucceſsful in Carolina, marched to Virginia, collected his forces, and fortified himſelf in Yorktown. In the mean time Arnold made an incurſion into Connecticut, burnt a part of New London, took Fort Griſwold by ſtorm, and put the garriſon to the ſword. The garriſon conſiſted chiefly of men ſuddenly collected from the little town of Groton, which, by the ſavage cruelty of the Britiſh officer who commanded the attack, loſt, in one hour, almoſt all its heads of families. The brave Colonel Ledyard, who commanded the fort, was ſlain with his own ſword, after he had ſurrendered.

The Marquis de la Fayette, the brave and generous nobleman, whoſe ſervices command the gratitude of

every American, had been diſpatched with about two thouſand light infantry, from the main army, to watch the motions of lord Cornwallis in Virginia. He proſecuted this expedition with the greateſt military ability. Although his force was much inferior to that of the enemy, he obliged them to leave Richmond and Williamſburgh, and to ſeek protection under their ſhipping.

About the laſt of Auguſt, Count de Graſſe arrived with a large fleet in the Cheſapeak, and blocked up the Britiſh troops at Yorktown. Admiral Greaves, with a Britiſh fleet, appeared off the Capes, and an action ſucceeded; but it was not deciſiv.

General Waſhington had before this time moved the main body of his army, together with the French troops, to the ſouthward; and as ſoon as he heard of the arrival of the French fleet in the Cheſapeak, he made rapid marches to the head of Elk, where embarking, the troops ſoon arrived at Yorktown.

A cloſe ſiege immediately commenced, and was carried on with ſuch vigor, by the combined forces of America and France, that lord Cornwallis was obliged to ſurrender. This glorious event which took place on the 19th of October, 1781, decided the conteſt in favor of America; and laid the foundation of a general peace.*

A few

* It has been controverted whether the capture of General Cornwallis was the reſult of a plan preconcerted between General Waſhington and Count de Graſſe; or rather whether the arrival of the Count in the Cheſapeak was predetermined and expected by General Waſhington, and conſequently all the preparations to attack New York a mere fineſſe to deceive the enemy; or whether the real intention was againſt New York, and the ſiege of Yorktown planned upon the unexpected arrival of the French fleet in the bay. The following letter will ſet the matter in its true light.

SIR, *Mount Vernon, July* 31, 1788.

I DULY received your letter of the 14th inſtant, and can only anſwer you briefly and generally from memory; that a combined operation of the land and naval forces of France in America, for the year 1781, was preconcerted the year before; that

A few months after the ſurrender of Cornwallis, the Britiſh evacuated all their poſts in South Carolina and Georgia, and retired to the main army in New York.

The next ſpring, (1782) Sir Guy Carleton arrived in New York, and took the command of the Britiſh army, in America. Immediately on his arrival, he acquainted General Waſhington and Congreſs, that negociations for a peace had been commenced at Paris.

On the 30th of November, 1782, the proviſional articles of peace were ſigned at Paris; by which Great Britain acknowleged the independence and ſovereignty of the United States of America; and theſe articles were afterwards ratified by a definitiv treaty.

Thus

that the point of attack was not abſolutely agreed upon,* becauſe it could not be foreknown where the enemy would be moſt ſuſceptible of impreſſion; and becauſe we (having the command of the water with ſufficient means of conveyance) could tranſport ourſelves to any ſpot with the greateſt celerity; that it was determined by me, nearly twelve months before hand, at all hazards, to give out and cauſe it to be believed by the higheſt military as well as civil officers, that New York was the deſtined place of attack, for the important purpoſe of inducing the eaſtern and middle States to make greater exertions in furniſhing ſpecific ſupplies, than they otherwiſe would have done, as well as for the intereſting purpoſe of rendering the enemy leſs prepared elſewhere; that by theſe means, and theſe alone, artillery, boats, ſtores, and proviſions, were in ſeaſonable preparation to move with the utmoſt rapidity to any part of the continent; for the difficulty conſiſted more in providing, than knowing how to apply the military apparatus; that before the arrival of the Count de Graſſe, it was the fixed determination *to ſtrike the enemy in the moſt vulnerable quarter*, ſo as to enſure ſucceſs with moral certainty, as our affairs were then in the moſt ruinous train imaginable; that New York was thought to be beyond our effort, and conſequently that the only heſitation that remained, was between an attack upon the Britiſh army in Virginia and that in Charleſton: And finally, that, by the intervention of ſeveral communications, and ſome incidents which cannot be detailed in a letter, the hoſtile poſt in Virginia, from being a *proviſional and ſtrongly expected*, became the *definitiv and certain object* of the campaign.

I only

* Becauſe it would be eaſy for the Count de Graſſe, in good time before his departure from the Weſt Indies, to giv notice, by expreſs, at what place he could moſt conveniently firſt touch to receive advice.

Thus ended a long and arduous conflict, in which Great Britain expended near an hundred millions of money, with an hundred thouſand lives, and won nothing. America endured every cruelty and diſtreſs from her enemies; loſt many lives and much treaſure; but delivered herſelf from a foreign dominion, and gained a rank among the nations of the earth.

Holland acknowleged the independence of the United States on the 19th of April, 1782; Sweden, February 5th, 1783; Denmark, the 25th of February; Spain, in March, and Ruſſia in July, 1783.

No

I only add, that it never was in contemplation to attack New York, unleſs the garriſon ſhould firſt have been ſo far degarniſhed to carry on the ſouthern operations, as to render our ſucceſs in the ſiege of that place, as infallible as any future military event can ever be made. For I repeat it, and dwell upon it again, ſome ſplendid advantage (whether upon a larger or ſmaller ſcale was almoſt immaterial) was ſo eſſentially neceſſary, to revive the expiring hopes and languid exertions of the country, at the criſis in queſtion, that I never would have conſented to embark in any enterpriſe, wherein, from the moſt rational plan and accurate calculations, the favorable iſſue ſhould not have appeared as clear to my view as a ray of light. The failure of an attempt againſt the poſts of the enemy, could, in no other poſſible ſituation during the war, have been ſo fatal to our cauſe.

That much trouble was taken and fineſſe uſed to miſguide and bewilder Sir Henry Clinton, in regard to the real object, by fictitious communications, as well as by making a deceptiv proviſion of ovens, forage, and boats, in his neighborhood, is certain: Nor were leſs pains taken to deceive our own army; for I had always conceived, where the impoſition did not completely take place at home, it could never ſufficiently ſucceed abroad.

Your deſire of obtaining truth, is very laudable; I wiſh I had more leiſure to gratify it, as I am equally ſolicitous the undiſguiſed verity ſhould be known. Many circumſtances will unavoidably be miſconceived and miſrepreſented. Notwithſtanding moſt of the papers, which may properly be deemed official, are preſerved; yet the knowlege of innumerable things, of a more delicate and ſecret nature, is confined to the periſhable remembrance of ſome few of the preſent generation.

With eſteem, I am, Sir, your moſt obedient humble ſervant,

G. WASHINGTON.

To ——.

No ſooner was peace reſtored by the definitiv treaty, and the Britiſh troops withdrawn from the country, than the United States began to experience the defects of their general government. While an enemy was in the country, fear, which had firſt impelled the colonies to aſſociate in mutual defence, continued to operate as a band of political union. It gave to the reſolutions and recommendations of Congreſs the force of laws, and generally commanded a ready acquieſcence on the part of the State legiſlatures. Articles of confederation and perpetual union had been framed in Congreſs, and ſubmitted to the conſideration of the States, in the year 1778. Some of the States immediately acceded to them; but others, which had not unappropriated lands, heſitated to ſubſcribe a compact, which would giv an advantage to the States which poſſeſſed large tracts of unlocated lands, and were thus capable of a great ſuperiority in wealth and population. All objections however had been overcome, and by the acceſſion of Maryland in March, 1781, the articles of confederation were ratified, as the frame of government for the United States.

Theſe articles, however were framed during the rage of war, when a principle of common ſafety ſupplied the place of a coerciv power in government; by men who could have had no experience in the art of governing an extenſiv country, and under circumſtances the moſt critical and embarraſſing. To have offered to the people at that time, a ſyſtem of government armed with the powers neceſſary to regulate and control the contending intereſts of thirteen States, and the poſſeſſions of millions of people, might have raiſed a jealouſy between the States or in the minds of the people at large, that would have weakened the operations of war, and perhaps have rendered a union impracticable. Hence the numerous defects of the confederation.

On the concluſion of peace, theſe defects began to be felt. Each State aſſumed the right of diſputing the propriety of the reſolutions of Congreſs, and the intereſt

tereſt of an individual State was placed in oppoſition to the common intereſt of the union. In addition to this ſource of diviſion, a jealouſy of the powers of Congreſs began to be excited in the minds of people.

This jealouſy of the privileges of freemen, had been rouſed by the oppreſſiv acts of the Britiſh parliament; and no ſooner had the danger from this quarter ceaſed, than the fears of people changed their object, and were turned againſt their own rulers.

In this ſituation, there were not wanting men of induſtry and talents, who had been enemies to the revolution, and who embraced the opportunity to multiply the apprehenſions of people and increaſe the popular diſcontents. A remarkable inſtance of this happened in Connecticut. As ſoon as the tumults of war had ſubſided, an attempt was made to convince the people, that the act of Congreſs paſſed in 1778, granting to the officers of the army, half pay for life, was highly unjuſt and tyrannical; and that it was but the firſt ſtep towards the eſtabliſhment of penſions and an uncontrolable deſpotiſm. The act of Congreſs, paſſed in 1783, commuting half pay for life for five years full pay, was deſigned to appeaſe the apprehenſions of people, and to convince them that this gratuity was intended merely to indemnify the officers for their loſſes by the depreciation of the paper currency; and not to eſtabliſh a precedent for the granting of penſions. This act, however, did not ſatisfy the people, who ſuppoſed that the officers had been generally indemnified for the loſs of their pay, by the grants made them from time to time by the legiſlatures of the ſeveral States. Beſides the act, while it gave five years full pay to the officers, allowed but one year's pay to the privates; a diſtinction which had great influenee in exciting and continuing the popular ferment, and one that turned a large ſhare of the public rage againſt the officers themſelves.

The moment an alarm was raiſed reſpecting this act of Congreſs, the enemies of our independence became activ in blowing up the flame, by ſpreading reports unfavorable to the general government, and tending to

create

create public diſſenſions. Newſpapers, in ſome parts of the country, were filled with inflammatory publications; while falſe reports and groundleſs inſinuations were induſtriouſly circulated to the prejudice of Congreſs and the officers of the late army. Among a people feelingly alive to every thing that could affect the rights for which they had been contending, theſe reports could not fail of having a powerful effect; the clamor ſoon became general; the officers of the army, it was believed, had attempted to raiſe their fortunes on the diſtreſſes of their fellow citizens, and Congreſs become the tyrants of their country.

Connecticut was the ſeat of this uneaſineſs; altho other States were much agitated on the occaſion. But the inhabitants of that State, accuſtomed to order and a due ſubordination to the laws, did not proceed to outrages; they took their uſual mode of collecting the ſenſe of the State; aſſembled in town meetings; appointed committees to meet in convention, and conſult what meaſures ſhould be adopted to procure a redreſs of their grievances. In this convention, which was held at Middletown, ſome nugatory reſolves were paſſed, expreſſing a diſapprobation of the half pay act, and the ſubſequent commutation of the grant for five years whole pay. The ſame ſpirit alſo diſcovered itſelf in the aſſembly, at their October ſeſſion, in 1783. A remonſtrance againſt the acts in favor of the officers, was framed in the houſe of repreſentativs, and notwithſtanding the upper houſe refuſed to concur in the meaſure, it was ſent to Congreſs.

During this ſituation of affairs, the public odium againſt the officers, was augmented by another circumſtance. The officers, juſt before the diſbanding of the army, had formed a ſociety, called by the name of the *Cincinnati*, after the Roman Dictator, Cincinnatus, which, it was ſaid, was intended to perpetuate the memory of the revolution, the friendſhip of the officers, and the union of the States; and alſo to raiſe a fund for the relief of poor widows and orphans, whoſe huſbands and fathers had fallen during the war, and for their

deſcendants.

deſcendants. The ſociety was divided into State ſocieties, which were to meet on the 4th of July, and with other buſineſs, depute a number of their members to convene annually in general meeting. The members of the inſtitution were to be diſtinguiſhed by wearing a medal, emblematical of the deſign of the ſociety, and the honors and advantages were to be hereditary in the eldeſt male heirs, and in default of male iſſue, in the collateral male heirs. Honorary members were to be admitted, but without the hereditary advantages of the ſociety, and provided their number ſhould never exceed the ratio of one to four of the officers or their deſcendants.

Whatever were the real views of the framers of this inſtitution, its deſign was generally underſtood to be harmleſs and honorable. The oſtenſible views of the ſociety could not however ſkreen it from popular jealouſy. A ſpirited pamphlet appeared in South Carolina, the avowed production of Mr. Burke, one of the judges of the ſupreme court in that State, in which the author attempted to prove that the principles, on which the ſociety was formed, would, in proceſs of time, originate and eſtabliſh an order of nobility in this country, which would be repugnant to the genius of our republican governments, and dangerous to liberty. This pamphlet appeared in Connecticut, during the commotions raiſed by the half pay and commutation acts, and contributed not a little to ſpread the flame of oppoſition. Nothing could exceed the odium which prevailed at this time, againſt the men who had hazarded their perſons and properties in the revolution.

Notwithſtanding the diſcontents of the people were general, and ready to burſt forth in ſedition, yet men of information, viz. the officers of government, the clergy, and perſons of liberal education, were moſtly oppoſed to the unconſtitutional ſteps taken by the committees and convention at Middletown. They ſupported the propriety of the meaſures of Congreſs, both by converſation and writing, proved that ſuch grants to the army were neceſſary to keep the troops together,

and

and that the expenſe would not be enormous nor oppreſſiv. During the cloſe of the year 1783, every poſſible exertion was made to enlighten the people, and ſuch was the effect of the arguments uſed by the minority, that in the beginning of the following year, the oppoſition ſubſided, the committees were diſmiſſed, and tranquillity reſtored to the State. In May, the legiſlature were able to carry ſeveral meaſures which had before been extremely unpopular. An act was paſſed, granting the impoſt of five per cent. to Congreſs; another giving great encouragement to commerce, and ſeveral towns were incorporated with extenſiv privileges, for the purpoſe of regulating the exports of the State, and facilitating the collection of debts.

The oppoſition to the Congreſſional acts in favor of the officers, and to the order of the Cincinnati, did not riſe to the ſame pitch in the other States as in Connecticut; yet it produced much diſturbance in Maſſachuſetts, and ſome others. Jealouſy of power had been univerſally ſpread among the people of the United States. The deſtruction of the old forms of governments, and the licentiouſneſs of war had, in a great meaſure, broken their habits of obedience; their paſſions had been inflamed by the cry of deſpotiſm; and like centinels, who have been ſuddenly ſurpriſed by the approach of an enemy, the ruſtling of a leaf was ſufficient to giv them an alarm. This ſpirit of jealouſy, which has not yet ſubſided, and which will probably continue viſible during the preſent generation, operated with other cauſes to relax the energy of our federal operations.

During the war, vaſt ſums of paper currency had been emitted by Congreſs, and large quantities of ſpecie had been introduced, towards the cloſe of the war, by the French army, and the Spaniſh trade. This plenty of money enabled the States to comply with the firſt requiſitions of Congreſs; ſo that during two or three years, the federal treaſury was, in ſome meaſure, ſupplied. But when the danger of war had ceaſed, and the vaſt importations of foreign goods had leſſened the quantity

quantity of circulating ſpecie, the States began to be very remiſs in furniſhing their proportion of monies. The annihilation of the credit of the paper bills had totally ſtopped their circulation, and the ſpecie was leaving the country in cargoes, for remittances to Great Britain; ſtill the luxurious habits of the people, contracted during the war, called for new ſupplies of goods, and private gratification ſeconded the narrow policy of State intereſt in defeating the operations of the general government.

Thus the revenues of Congreſs were annually diminiſhing; ſome of the States wholly neglecting to make proviſion for paying the intereſt of the national debt; others making but a partial proviſion, until the ſcanty ſupplies received from a few of the rich States, would hardly ſatisfy the demands of the civil liſt.

This weakneſs of the federal government, in conjunction with the flood of certificates or public ſecurities, which Congreſs could neither fund nor pay, occaſioned them to depreciate to a very inconſiderable value. The officers and ſoldiers of the late army were obliged to receive for wages theſe certificates, or promiſſary notes, which paſſed at a fifth, or eighth, or a tenth of their nominal value; being thus deprived at once of the greateſt part of the reward due for their ſervices. Some indeed profited by ſpeculations in theſe evidences of the public debt; but ſuch as were under a neceſſity of parting with them, were robbed of that ſupport which they had a right to expect and demand from their countrymen.

Penſylvania indeed made proviſion for paying the intereſt of her debts, both State and federal; aſſuming her ſuppoſed proportion of the continental debt, and giving the creditors her own State notes in exchange for thoſe of the United States. The reſources of that State are immenſe, but ſhe has not been able to make punctual payments, even in a depreciated paper currency.

Maſſachuſetts, in her zeal to comply fully with the requiſitions of Congreſs, and ſatisfy the demands of her

her own creditors, laid a heavy tax upon the people. This was the immediate cauſe of the rebellion in that State, in 1786. But a heavy debt lying on the State, added to burdens of the ſame nature, upon almoſt every incorporation within it; a decline, or rather an extinction of public credit; a relaxation and corruption of manners, and a free uſe of foreign luxuries; a decay of trade and manufactures, with a prevailing ſcarcity of money; and, above all, individuals involved in debt to each other: Theſe were the real, though more remote cauſes of the inſurrection. It was the tax which the people were required to pay, that cauſed them to feel evils which we have enumerated: This called forth all their other grievances; and the firſt act of violence committed, was the burning or deſtroying of a tax bill. This ſedition threw the State into a convulſion which laſted about a year; courts of juſtice were violently obſtructed; the collection of debts was ſuſpended; and a body of armed troops, under the command of General Lincoln, was employed during the winter of 1786, to diſperſe the inſurgents. Yet ſo numerous were the latter in the counties of Worceſter, Hampſhire and Berkſhire, and ſo obſtinately combined to oppoſe the execution of law by force, that the Governor and Council of the State thought proper not to intruſt General Lincoln with military powers, except to act on the defenſiv, and to repel force with force, in caſe the inſurgents ſhould attack him. The leaders of the rebels however were not men of talents; they were deſperate, but without fortitude; and while they were ſupported with a ſuperior force, they appeared to be impreſſed with that conſciouſneſs of guilt, which awes the moſt daring wretch, and makes him ſhrink from his purpoſe. This appears by the conduct of a large party of the rebels before the magazine at Springfield; where General Shepard with a ſmall guard, was ſtationed to protect the continental ſtores. The inſurgents appeared upon the plain, with a vaſt ſuperiority of numbers, but a few ſhot from the artillery made the multitude retreat in diſorder, with the loſs of four men. This ſpirited conduct

duct of General Shepard, with the induſtry, perſeverance and prudent firmneſs of General Lincoln, diſperſed the rebels, drove the leaders from the State, and reſtored tranquillity. An act of indemnity was paſſed in the Legiſlature for all the inſurgents, except a few leaders, on condition they ſhould become peaceable ſubjects, and take the oath of allegiance. The leaders afterwards petitioned for pardon, which, from motives of policy, was granted by the Legiſlature.

But the loſs of public credit, popular diſturbances, and inſurrections, were not the only evils which were generated by the peculiar circumſtances of the times. The emiſſions of bills of credit and tender laws, were added to the black catalogue of political diſorders.

The expedient of ſupplying the deficiencies of ſpecie, by emiſſions of paper bills, was adopted very early in the colonies. The expedient was obvious and produced good effects. In a new country, where population is rapid, and the value of lands increaſing, the farmer finds an advantage in paying legal intereſt for money; for if he can pay the intereſt by his profits, the increaſing value of his lands will, in a few years, diſcharge the principal.

In no colony was this advantage more ſenſibly experienced than in Penſylvania. The emigrants to that province were numerous; the natural population rapid; and theſe circumſtances combined, advanced the value of real property to an aſtoniſhing degree. As the firſt ſettlers there, as well as in other provinces, were poor, the purchaſe of a few foreign articles drained them of ſpecie. Indeed for many years, the balance of trade muſt have neceſſarily been greatly againſt the colonies.

But bills of credit, emitted by the State and loaned to the induſtrious inhabitants, ſupplied the want of ſpecie, and enabled the farmer to purchaſe ſtock. Theſe bills were generally a legal tender in all colonial or private contracts, and the ſums iſſued did not generally exceed the quantity requiſit for a medium of trade; they retained their full nominal value in the purchaſe

of

of commodities. But as they were not received by the Britiſh merchants, in payment for goods, there was a great demand for ſpecie and bills, which occaſioned the latter at various times to appreciate. Thus was introduced a difference between the Engliſh ſterling money and the currencies of the colonies which remains to this day.*

The advantages the colonies had derived from bills of credit, under the Britiſh government, ſuggeſted to Congreſs, in 1775, the idea of iſſuing bills for the purpoſe of carrying on the war. And this was perhaps their only expedient. Money could not be raiſed by taxation; it could not be borrowed. The firſt emiſſions had no other effect upon the medium of commerce, than to drive the ſpecie from circulation. But when the paper ſubſtituted for ſpecie, had, by repeated emiſſions, augmented the ſum in circulation, much beyond the uſual ſum of ſpecie, the bills began to loſe their value. The depreciation continued in proportion to the ſums emitted, until ſeventy, and even one hundred and fifty nominal paper dollars, were hardly an equivalent for one Spaniſh milled dollar. Still from the year 1775 to 1781, this depreciating paper currency was almoſt the only medium of trade. It ſupplied the place of ſpecie, and enabled Congreſs to ſupport a numerous army; until the ſum in circulation amounted to two hundred millions of dollars. But about the year 1780, ſpecie began to be plentiful, being introduced by the French army, a private trade with the Spaniſh iſlands, and an illicit intercourſe with the Britiſh garriſon at New York. This circumſtance accelerated the depreciation of the paper bills, until their value had ſunk almoſt to nothing. In 1781, the merchants and brokers

* A dollar, in ſterling money, is 4/6. But the price of a dollar roſe in New England currency to 6/; in New York to 8/; in New Jerſey, Penſylvania and Maryland to 7/6; in Virginia to 6/; in North Carolina to 8/; in South Carolina and Georgia to 4/8. This difference, originating between paper and ſpecie, or bills, continued afterwards to exiſt in the nominal eſtimation of gold and ſilver.

Franklin's Miſcel. Works, p. 217.

brokers in the ſouthern States, apprehenſiv of the approaching fate of the currency, puſhed immenſe quantities of it ſuddenly into New England, made vaſt purchaſes of goods in Boſton, and inſtantly the bills vaniſhed from circulation.

The whole hiſtory of this continental paper is a hiſtory of public and private frauds. Old ſpecie debts were often paid in a depreciated currency, and even new contracts for a few weeks or days were often diſcharged with a ſmall part of the value received. From this plenty and fluctuating ſtate of the medium, ſprung hoſts of ſpeculators and itinerant traders, who left their honeſt occupations for the proſpect of immenſe gains, in a fraudulent buſineſs, that depended on no fixed principles, and the profits of which could be reduced to no certain calculations.

To increaſe theſe evils, a project was formed to fix the prices of articles, and reſtrain perſons from giving or receiving more for any commodity than the price ſtated by authority. Theſe regulating acts were reprobated by every man acquainted with commerce and finance; as they were intended to prevent an effect without removing the cauſe. To attempt to fix the value of money, while ſtreams of bills were inceſſantly flowing from the treaſury of the United States, was as ridiculous as an attempt to reſtrain the riſing of water in rivers amidſt ſhowers of rain.

Notwithſtanding all oppoſition, ſome States framed and attempted to enforce theſe regulating acts. The effect was, a momentary apparent ſtand in the price of articles; innumerable acts of colluſion and evaſion among the diſhoneſt; numberleſs injuries done to the honeſt; and finally a total diſregard of all ſuch regulations, and the conſequential contempt of laws and the authority of the magiſtrate.

During theſe fluctuations of buſineſs, occaſioned by the variable value of money, people loſt ſight, in ſome meaſure, of the ſteady principles which had before governed their intercourſe with each other. Speculations followed and relaxed the rigor of commercial obligations.

Induſtry

Induſtry likewiſe had ſuffered by the flood of money which had deluged the States. The prices of produce had riſen in proportion to the quantity of money in circulation, and the demand for the commodities of the country. This made the acquiſition of money eaſy, and indolence and luxury, with their train of deſolating conſequences, ſpread themſelves among all deſcriptions of people.

But as ſoon as hoſtilities between Great Britain and America were ſuſpended, the ſcene was changed. The bills emitted by Congreſs had long before ceaſed to circulate; and the ſpecie of the country was ſoon drained off to pay for foreign goods, the importations of which exceeded all calculation. Within two years from the cloſe of the war, *a ſcarcity of money* was the general cry. The merchants found it impoſſible to collect their debts, and make punctual remittances to their creditors in Great Britain; and the conſumers were driven to the neceſſity of retrenching their ſuperfluities in living and of returning to their ancient habits of induſtry and economy.

This change was however progreſſiv and ſlow. In many of the States which ſuffered by the numerous debts they had contracted, and by the diſtreſſes of war, the people called aloud for emiſſions of paper bills to ſupply the deficiency of a medium. The depreciation of the continental bills, was a recent example of the ill effects of ſuch an expedient, and the impoſſibility of ſupporting the credit of paper, was urged by the oppoſers of the meaſure as a ſubſtantial argument againſt adopting it. But nothing would ſilence the popular clamor; and many men of the firſt talents and eminence, united their voices with that of the populace. Paper money had formerly maintained its credit, and been of ſingular utility; and paſt experience, notwithſtanding a change of circumſtances, was an argument in its favor that bore down all oppoſition.

Penſylvania, although one of the richeſt States in the union, was the firſt to emit bills of credit, as a ſubſtitute for ſpecie. But the revolution had removed the

neceſſity of it, at the ſame time that it had deſtroyed the means by which its former credit had been ſupported. Lands, at the cloſe of the war, were not riſing in value; bills on London could not ſo readily be purchaſed, as while the province was dependent on Great Britain; the State was ſplit into parties, one of which attempted to defeat the meaſures moſt popular with the other; and the depreciation of continental bills, with the injuries which it had done to individuals, inſpired a general diſtruſt of all public promiſes.

Notwithſtanding a part of the money was loaned on good landed ſecurity, and the faith of that wealthy State pledged for the redemption of the whole at its nominal value, yet the advantages of ſpecie as a medium of commerce, eſpecially as an article of remittance to London, ſoon made a difference of ten per cent. between the bills of credit and ſpecie. This difference may be conſidered rather as an appreciation of gold and ſilver, than a depreciation of paper; but its effects, in a commercial State, muſt be highly prejudicial. It opens the door to frauds of all kinds, and frauds are uſually practiſed on the honeſt and unſuſpecting, eſpecially upon all claſſes of laborers.

This currency of Penſylvania is receivable in all payments at the cuſtom houſe, and for certain taxes, at its nominal value; yet it has ſunk to two thirds of this value, in the few commercial tranſactions where it is received.

North Carolina, South Carolina, and Georgia, had recourſe to the ſame wretched expedient to ſupply themſelves with money; not reflecting that induſtry, frugality, and good commercial laws are the only means of turning the balance of trade in favor of a country, and that this balance is the only permanent ſource of ſolid wealth and ready money. But the bills they emitted ſhared a worſe fate than thoſe of Penſylvania; they expelled almoſt all the circulating caſh from the States; they loſt a great part of their nominal value; they impoveriſhed the merchants, and embarraſſed the planters.

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The State of Virginia had too much wiſdom to emit bills; but tolerated a practice among the inhabitants of cutting dollars and ſmaller pieces of ſilver, in order to prevent it from leaving the State. This pernicious practice prevailed alſo in Georgia.*

Maryland eſcaped the calamity of a paper currency. The houſe of delegates brought forward a bill for the emiſſion of bills of credit to a large amount; but the ſenate firmly and ſucceſsfully reſiſted the pernicious ſcheme. The oppoſition between the two houſes was violent and tumultuous; it threatened the State with anarchy; but the queſtion was carried to the people, and the good ſenſe of the ſenate finally prevailed.

New Jerſey is ſituated between two of the largeſt commercial towns in America, and conſequently drained of ſpecie. This State alſo emitted a large ſum in bills of credit, which ſerved to pay the intereſt of the public debt; but the currency depreciated, as in other States.

Rhode Iſland exhibits a melancholy proof of that licentiouſneſs and anarchy which always follows a relaxation of the moral principles. In a rage for ſupplying the State with money, and filling every man's pocket without obliging him to earn it by his diligence, the Legiſlature paſſed an act for making one hundred thouſand pounds in bills; a ſum much more than ſufficient for a medium of trade in that State, even without any ſpecie. The merchants in Newport and Providence oppoſed the act with firmneſs; their oppoſition added freſh vigour to the reſolution of the aſſembly, and induced them to inforce the ſcheme by a legal tender of a moſt extraordinary nature. They paſſed an act, ordaining that if any creditor ſhould refuſe to take their bills, for any debt whatever, the debtor might lodge the ſum due, with a juſtice of the peace, who ſhould

* A dollar was uſually cut in five pieces, and each paſſed by toll for a quarter; ſo that the man who cut it gained a quarter, or rather a fifth. If the State ſhould recoin this ſilver, it muſt loſe a fifth.

ſhould giv notice of it in the public papers; and if the creditor did not appear and receive the money within ſix months from the firſt notice, his debt ſhould be forfeited. This act aſtoniſhed all honeſt men; and even the promoters of paper money making in other States, and on other principles, reprobated this act of Rhode Iſland, as wicked and oppreſſiv. But the State was governed by faction. During the cry for paper money, a number of boiſterous ignorant men, were elected into the Legiſlature, from the ſmaller towns in the State. Finding themſelves united with a majority in opinion, they formed and executed any plan their inclination ſuggeſted; they oppoſed every meaſure that was agreeable to the mercantile intereſt; they not only made bad laws to ſuit their own wicked purpoſes, but appointed their own corrupt creatures to fill the judicial and executiv departments. Their money depreciated ſufficiently to anſwer all their vile purpoſes in the diſcharge of debts; buſineſs almoſt totally ceaſed; all confidence was loſt; the State was thrown into confuſion at home, and was execrated abroad.

Maſſachuſetts Bay had the good fortune, amidſt her political calamities, to prevent an emiſſion of bills of credit. New Hampſhire made no paper; but in the diſtreſſes which followed her loſs of buſineſs after the war, the Legiſlature made horſes, lumber, and moſt articles of produce a legal tender in the fulfilment of contracts. It is doubtleſs unjuſt to oblige a creditor to receive any thing for his debt, which he had not in contemplation at the time of the contract. But as the commodities which were to be a tender by the law of New Hampſhire, were of an intrific value, bearing ſome proportion to the amount of the debt, the injuſtice of the law was leſs flagrant, than that which enforced the tender of paper in Rhode Iſland. Indeed a ſimilar law prevailed for ſome time in Maſſachuſetts; and in Connecticut it is optional with the creditor, either to impriſon the debtor, or take land on an execution, at a price to be fixed by three indifferent freeholders; provided no other means of payment ſhall appear

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to ſatisfy the demand. It muſt not however be omitted, that while the moſt flouriſhing commercial States introduced a paper medium, to the great injury of honeſt men, a bill for an emiſſion of paper in Connecticut, where there is very little ſpecie, could never command more than one eighth of the votes of the Legiſlature. The movers of the bill have hardly eſcaped ridicule; ſo generally is the meaſure reprobated as a ſource of fraud and public miſchief.

The Legiſlature of New York, a State that had the leaſt neceſſity and apology for making paper money, as her commercial advantages always furniſh her with ſpecie ſufficient for a medium, iſſued a large ſum in bills of credit, which ſupport their value better than the currency of any other State. Still the paper has raiſed the value of ſpecie, which is always in demand for exportation, and this difference of exchange between paper and ſpecie, expoſes commerce to moſt of the inconveniencies reſulting from a depreciated medium.

Such is the hiſtory of paper money thus far; a miſerable ſubſtitute for real coin, in a country where the reins of government are too weak to compel the fulfilment of public engagements; and where all confidence in public faith is totally deſtroyed.

While the States were thus endeavoring to repair the loſs of ſpecie, by empty promiſes, and to ſupport their buſineſs by ſhadows, rather than by reality, the Britiſh miniſtry formed ſome commercial regulations that deprived them of the profits of their trade to the Weſt Indies and to Great Britain. Heavy duties were laid upon ſuch articles as were remitted to the London merchants for their goods, and ſuch were the duties upon American bottoms, that the States were almoſt wholly deprived of the carrying trade. A prohibition was laid upon the produce of the United States, ſhipped to the Engliſh Weſt India Iſlands in American built veſſels, and in thoſe manned by American ſeamen. Theſe reſtrictions fell heavy upon the eaſtern States, which depended much upon ſhip building for

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the ſupport of their trade; and they materially injured the buſineſs of the other States.

Without a union that was able to form and execute a general ſyſtem of commercial regulations, ſome of the States attempted to impoſe reſtraints upon the Britiſh trade that ſhould indemnify the merchant for the loſſes he had ſuffered, or induce the Britiſh miniſtry to enter into a commercial treaty, and relax the rigor of their navigation laws. Theſe meaſures however produced nothing but miſchief. The States did not act in concert, and the reſtraints laid on the trade of one State operated to throw the buſineſs into the hands of its neighbor. Maſſachuſetts, in her zeal to counteract the effect of the Engliſh navigation laws, laid enormous duties upon Britiſh goods imported into that State; but the other States did not adopt a ſimilar meaſure; and the loſs of buſineſs ſoon obliged that State to repeal or ſuſpend the law. Thus when Penſylvania laid heavy duties on Britiſh goods, Delaware and New Jerſey made a number of free ports to encourage the landing of goods within the limits of thoſe States; and the duties in Penſylvania ſerved no purpoſe, but to create ſmuggling.

Thus divided, the States began to feel their weakneſs. Moſt of the Legiſlatures had neglected to comply with the requiſitions of Congreſs for furniſhing the federal treaſury; the reſolves of Congreſs were diſregarded; the propoſition for a general impoſt to be laid and collected by Congreſs was negatived firſt by Rhode Iſland, and afterwards by New York. The Britiſh troops continued, under pretence of a breach of treaty on the part of America, to hold poſſeſſion of the forts on the frontiers of the States, and thus commanded the fur trade. Many of the States individually were infeſted with popular commotions or iniquitous tender laws, while they were oppreſſed with public debts; the certificates or public notes had loſt moſt of their value, and circulated merely as the objects of ſpeculation; Congreſs loſt their reſpectability, and the United States their credit and importance.

In

In the midſt of theſe calamities, a propoſition was made in 1785, in the houſe of delegates, in Virginia, to appoint commiſſioners, to meet ſuch as might be appointed in the other States, who ſhould form a ſyſtem of commercial regulations for the United States, and recommend it to the ſeveral Legiſlatures for adoption. Commiſſioners were accordingly appointed and a requeſt was made to the Legiſlatures of the other States to accede to the propoſition. Accordingly ſeveral of the States appointed commiſſioners, who met at Annapolis in the ſummer of 1786, to conſult what meaſures ſhould be taken to unite the States in ſome general and efficient commercial ſyſtem. But as the States were not all repreſented, and the powers of the commiſſioners were, in their opinion, too limited to propoſe a ſyſtem of regulations adequate to the purpoſes of government, they agreed to recommend a general convention to be held at Philadelphia the next year, with powers to frame a general plan of government for the United States. This meaſure appeared to the commiſſioners abſolutely neceſſary. The old confederation was eſſentially defectiv. It was deſtitute of almoſt every principle neceſſary to giv effect to legiſlation.

It was defectiv in the article of legiſlating over States, inſtead of individuals. All hiſtory teſtifies that recommendations will not operate as laws, and compulſion cannot be exerciſed over States, without violence, war and anarchy. The confederation was alſo deſtitute of a ſanction to its laws. When reſolutions were paſſed in Congreſs, there was no power to compel obedience by fine, by ſuſpenſion of privileges or other means. It was alſo deſtitute of a guarantee for the State governments. Had one State been invaded by its neighbor, the union was not conſtitutionally bound to aſſiſt in repelling the invaſion, and ſupporting the conſtitution of the invaded State. The confederation was further deficient in the principle of apportioning the quotas of money to be furniſhed by each State; in a want of power to form commercial laws, and to raiſe troops for the defence and ſecurity of the union; in the equal

ſuffrage

ſuffrage of the States, which placed Rhode Iſland on a footing in Congreſs with Virginia; and to crown all the defects, we may add the want of a judiciary power, to define the laws of the union, and to reconcile the contradictory deciſions of a number of independent judicatories.

Theſe and many inferior defects were obvious to the commiſſioners, and therefore they urged a general convention, with powers to form and offer to the conſideration of the States, a ſyſtem of general government that ſhould be leſs exceptionable. Accordingly in May, 1787, delegates from all the States, except Rhode Iſland, aſſembled at Philadelphia; and choſe General Waſhington for their preſident. After four months deliberation, in which the claſhing intereſts of the ſeveral States, appeared in all their force, the convention agreed to recommend a plan of federal government, &c.

As ſoon as the plan of the federal conſtitution was ſubmitted to the Legiſlatures of the ſeveral States, they proceeded to take meaſures for collecting the ſenſe of the people upon the propriety of adopting it. In the ſmall State of Delaware, a convention was called in November, which, after a few days deliberation, ratified the conſtitution, without a diſſenting voice.

In the convention of Penſylvania, held the ſame month, there was a ſpirited oppoſition to the new form of government. The debates were long and intereſting. Great abilities and firmneſs were diſplayed on both ſides; but, on the 13th of December, the conſtitution was received by two thirds of the members. The minority were diſſatisfied, and with an obſtinacy that ill became the repreſentativs of a free people, publiſhed their reaſons of diſſent, which were calculated to inflame a party already violent, and which, in fact, produced ſome diſturbances in the weſtern parts of the State. But the oppoſition has ſince ſubſided.

In New Jerſey, the convention which met in December, were unanimous in adopting the conſtitution; as was likewiſe that of Georgia.

In

In Connecticut there was ſome oppoſition; but the conſtitution was, on the 9th of January, 1788, ratified by three fourths of the votes in convention, and the minority peaceably acquieſced in the deciſion.

In Maſſachuſetts, the oppoſition was large and reſpectable. The convention, conſiſting of more than three hundred delegates, were aſſembled in January, and continued their debates, with great candor and liberality, about five weeks. At length the queſtion was carried for the conſtitution by a ſmall majority, and the minority, with that manly condeſcenſion which becomes great minds, ſubmitted to the meaſure, and united to ſupport the government.

In New Hampſhire, the federal cauſe was, for ſome time doubtful. The greateſt number of the delegates in convention, were at firſt on the ſide of the oppoſition; and ſome, who might have had their objections removed by the diſcuſſion of the ſubject, inſtructed to reject the conſtitution. Altho the inſtructions of conſtituents cannot, on the true principles of repreſentation, be binding upon a deputy, in any legiſlativ aſſembly, becauſe his conſtituents are but a *part* of the State, and have not heard the arguments and objections of the *whole*; whereas, his act is to affect the *whole* State, and therefore is to be directed by the ſenſe or wiſdom of the whole, collected in the legiſlativ aſſembly; yet the delegates in the New Hampſhire convention conceived, very erroneouſly, that the ſenſe of the freemen in the towns, thoſe little diſtricts, where no act of legiſlation can be performed, impoſed a reſtraint upon their own wills.* An adjournment was therefore moved, and carried. This gave the people opportunity to gain a farther knowlege of the merits of the conſtitution, and at the ſecond meeting of the convention, it was ratified by a reſpectable majority.

In Maryland, ſeveral men of abilities appeared in the oppoſition, and were unremitted in their endeavors to perſuade the people, that the propoſed plan of government

* This pernicious opinion has prevailed in all the States, and done infinit miſchief.

ment was artfully calculated to deprive them of their deareſt rights; yet in convention it appeared that five ſixths of the voices were in favor of it.

In South Carolina, the oppoſition was reſpectable; but two thirds of the convention appeared to advocate and vote for the conſtitution.

In Virginia, many of the principal characters oppoſed the ratification of the conſtitution with great abilities and induſtry. But after a full diſcuſſion of the ſubject, a ſmall majority, of a numerous convention, appeared for its adoption.

In New York, two thirds of the delegates in convention were, at their firſt meeting, determined to reject the conſtitution. Here, therefore, the debates were the moſt intereſting, and the event extremely doubtful. The argument was managed with uncommon addreſs and abilities on both ſides of the queſtion. But during the ſeſſion, the ninth and tenth States had acceded to the propoſed plan, ſo that by the conſtitution, Congreſs were empowered to iſſue an ordinance for organizing the new government. This event placed the oppoſition on new ground; and the expediency of uniting with the other States; the generous motivs of conciliating all differences, and the danger of a rejection, influenced a reſpectable number, who were originally oppoſed to the conſtitution, to join the federal intereſt. The conſtitution was accordingly ratified by a ſmall majority; but the ratification was accompanied here, as in Virginia, with a bill of rights, declaratory of the ſenſe of the convention, as to certain great principles, and with a catalogue of amendments, which were to be recommended to the conſideration of the new Congreſs, and the ſeveral State Legiſlatures.

North Carolina met in convention in July, to deliberate on the new conſtitution. After a ſhort ſeſſion they rejected it, by a majority of one hundred and ſeventy ſix, againſt ſeventy ſix.

Rhode Iſland was doomed to be the ſport of a blind and ſingular policy. The Legiſlature, in conſiſtency with the meaſures which had been before purſued, did

not

not call a convention, to collect the ſenſe of the State upon the propoſed conſtitution; but in an unconſtitutional and abſurd manner, ſubmitted the plan of government to the conſideration of the people. Accordingly it was brought before town meetings, and in moſt of them rejected. In ſome of the large towns, particularly in Newport and Providence, the people collected and reſolved, with great propriety, that they could not take up the ſubject; and that the propoſition for embracing or rejecting the federal conſtitution, could come before no tribunal but that of the *State* in convention or legiſlature.

From the moment the proceedings of the general convention at Philadelphia tranſpired, the public mind was exceedingly agitated, and ſuſpended between hope and fear, until nine States had ratified the plan of a federal government. Indeed, the anxiety continued until Virginia and New York had acceded to the ſyſtem. But this did not prevent the demonſtrations of joy, on the acceſſion of each State.

On the ratification in Maſſachuſetts, the citizens of Boſton, in the elevation of their joy, formed a proceſſion in honor of the happy event, which was novel, ſplendid and magnificent. This example was afterwards followed, and in ſome inſtances improved upon, in Baltimore, Charleſton, Philadelphia, New Haven, Portſmouth and New York, ſucceſſivly. Nothing could equal the beauty and grandeur of theſe exhibitions. A ſhip was mounted upon wheels, and drawn thro the ſtreets; mechanics erected ſtages, and exhibited ſpecimens of labor in their ſeveral occupations, as they moved along the road; flags with emblems, deſcriptiv of all the arts and of the federal union, were invented and diſplayed in honor of the government; multitudes of all ranks in life aſſembled to view the majeſtic ſcenes; while ſobriety, joy and harmony marked the brilliant exhibitions, by which the Americans celebrated the eſtabliſhment of their empire.

In March, 1789, the delegates from the eleven ratifying States, convened in New York, where convenient

and

and elegant accommodations had been furniſhed by the citizens. On opening the ballots for Preſident, it appeared that the late Commander in Chief of our armies was unanimouſly elected to the dignified office. This event diffuſed univerſal joy among the friends to the union.

The deliberations of the firſt American Legiſlature were marked with wiſdom, ſpirit, and generally with candor. The eſtabliſhment of a revenue and judiciary ſyſtem, with other national meaſures; the wiſe appointments to offices; the promptneſs and energy of the executiv, with a growing popular attachment to the general government, open the faireſt proſpect of peace, union and proſperity to theſe States; a proſpect that is brightened by the acceſſion of North Carolina to the government in November, 1789.

No.

No. XVI.

REMARKS *on the* METHOD *of* BURYING *the* DEAD *among the* NATIVS *of this* COUNTRY; *compared with that among the ancient* BRITONS.

Being an Extract of a Letter to the Rev. Dr. STILES, President of Yale College, dated New York, January 20, 1788.

[NOTE. *I had embraced the idea, that the remarkable fortifications on the Muſkingum, might be juſtly aſcribed to the Spaniards, under Ferdinand de Soto, who penetrated into Florida, about the year* 1540; *which opinion I endeavored to maintain as probably well founded, and wrote three or four letters on the ſubject, to Dr. Stiles, which were publiſhed in* 1789. *It is now very clear that my opinion was* not *well founded; but that* Chicaca, *which I had ſuppoſed to be Muſkingum, ought to have been written* Chicaça, *with a cedilla, as it is in the original Spaniſh; and pronounced* Chikeſaw. *This determins the place of Soto's winter quarters, the ſecond year after landing, to be in the territories of the preſent* Chikeſaws. *Thoſe letters, therefore, are not worth republiſhing; but the following extract, on a different ſubject, may be conſidered as worthy of preſervation.*]

BUT how ſhall we account for the mounts, caves, graves, &c. and for the contents, which evince the exiſtence of the cuſtom of burning the dead or their bones; can theſe be aſcribed to the Spaniards? I preſume, Sir, you will be of opinion they cannot. Capt. Heart ſays,* theſe graves are ſmall mounts of earth, from ſome of which human bones have been taken; in one were found bones in the natural poſition of a man, buried nearly eaſt and weſt, and a quantity of iſing glaſs on his breaſt; in the other graves, the bones were irregular, ſome calcined by fire, others burnt only to a certain

* Columbian Magazine for May, 1787.

certain degree, ſo as to render them more durable; in others the mouldered bones retain their ſhape, without any ſubſtance; others are partly rotten and partly the remains of decayed bones; in moſt of the graves were found ſtones evidently burnt, pieces of charcoal, Indian arrows and pieces of earthen ware, which appeared to be a compoſition of ſhells and cement.

That theſe mounts and graves are the works of the nativ Indians, is very evident, for ſuch ſmall mounts are ſcattered over every part of North America. "It was cuſtomary with the Indians of the Weſt Jerſey," ſays Mr. Smith, page 137, "when they buried the dead, to put family utenſils, bows and arrows, and ſometimes wampum into the grave, as tokens of their affection. When a perſon of note died far from the place of his own reſidence, they would carry his bones to be buried there. They waſhed and perfumed the dead, painted the face, and followed ſingly; left the dead in a ſitting poſture, and covered the grave pyramidically. They were very curious in preſerving and repairing the graves of their dead, and penſivly viſited them."

It is ſaid by the Engliſh, who are beſt acquainted with the manners of the nativs, that they had a cuſtom of collecting, at certain ſtated periods, all the bones of their deceaſed friends, and burying them in ſome common grave. Over theſe cemetaries or general repoſitories of the dead, were erected thoſe vaſt heaps of earth or mounts, ſimilar to thoſe which are called in England *barrows*, and which are diſcovered in every part of the United States.

The Indians ſeem to have had two methods of burying the dead; one was, to depoſit one body (or at moſt but a ſmall number of bodies) in a place, and cover it with ſtones, thrown together in a careleſs manner. The pile thus formed would naturally be nearly circular, but thoſe piles that are diſcovered are ſomething oval. In the neighborhood of my father's houſe, about ſeven miles from Hartford, on the public road to Farmington, there is one of thoſe *Carrnedds* or heaps of ſtone.

ſtone. I often paſſed by it in the early part of my youth, but never meaſured its circumference or examined its contents. My preſent opinion is, that its circumference is about twenty five feet. The inhabitants in the neighborhood report, as a tradition received from the natives, that an Indian was buried there, and that it is the cuſtom for every Indian that paſſes by to caſt a ſtone upon the heap. This cuſtom I have never ſeen practiſed, but have no doubt of its exiſtence; as it is confirmed by the general teſtimony of the firſt American ſettlers.*

The other mode of burying the dead, was to depoſit a vaſt number of bodies, or the bones which were taken from the ſingle ſcattered graves, in a common cemetary, and over them raiſe vaſt *tumuli* or barrows, ſuch as the mount at Muſkingum, which is 390 feet in circumference, and 50 feet high The beſt account of theſe cemetaries may be found in Mr. Jefferſon's Notes on Virginia, which will appear the moſt ſatisfactory to the reader in his own words.

"I know of no ſuch thing exiſting as an Indian monument, for I would not honor with that name, arrow points, ſtone hatchets, ſtone pipes, and half ſhapen images. Of labor on the large ſcale, I think there are no remains as reſpectable as would be a common ditch for the draining of lands, unleſs it be the barrows, of which many

* The exiſtence of a cuſtom of paying reſpect to theſe *Indian heaps*, as they are called, is proved by a ludicrous practice, that prevails among the Anglo Americans in the vicinity, of making ſtrangers pull off their hats as they paſs by this grave. A man paſſing by with one who is a ſtranger to the cuſtom, never fails to practiſe a jeſt upon him, by telling him that a ſpider, a caterpillar, or ſome other inſect is upon his hat; the unſuſpecting traveller immediately takes off his hat, to bruſh away the offending inſect, and finds by a roar of laughter, that a trick is put upon him. I have often ſeen this trick played upon ſtrangers, and upon the neighbors who happen to be off their guard, to the great amuſement of the country people. The jeſt, however, is a proof that the aborigines paid a reſpect to theſe rude monuments, and in ridicule of that reſpect, probably, originated the vulgar practice of the Engliſh, which exiſts to this day.

many are to be found all over this country. Theſe are of different ſizes, ſome of them conſtructed of earth, and ſome of looſe ſtones. That they were repoſitories of the dead has been obvious to all; but on what particular occaſion conſtructed, was matter of doubt. Some have thought they covered the bones of thoſe who have fallen in battles, fought on the ſpot of interment. Some aſcribe them to the cuſtom, ſaid to prevail among the Indians, of collecting at certain periods the bones of all their dead, wherever depoſited at the time of death. Others again ſuppoſed them the general ſepulchre for towns, conjectured to have been on or near theſe grounds, and this opinion was ſupported by the quality of the lands in which they are found, (thoſe conſtructed of earth being generally in the ſofteſt and moſt fertile meadow grounds on river ſides) and by a tradition ſaid to be handed down from the aboriginal Indians, that when they ſettled in a town, the firſt perſon who died was placed erect, and earth put about him ſo as to cover and ſupport him; that when another died, a narrow paſſage was dug to the firſt, the ſecond reclined againſt him, and the cover of earth replaced, and ſo on. There being one of theſe in my neighborhood, I wiſhed to ſatisfy myſelf whether any, and which of theſe opinions were juſt; for this purpoſe I determined to open and examin it thoroughly. It was ſituated on the low grounds of the Rivanna, about two miles above its principal fork, and oppoſit to ſome hills on which had been an Indian town. It was of a ſpheroidical form, of about forty feet diameter at the baſe, and had been of about twelve feet altitude, tho now reduced by the plow to ſeven and a half; having been under cultivation about a dozen years.

"Before this, it was covered with trees of twelve inches diameter, and round the baſe was an excavation of five feet depth and width, from whence the earth had been taken, of which the hillock was formed. I firſt dug ſuperficially in ſeveral parts of it, and came to collections of human bones at different depths, from ſix inches to three feet, below the ſurface. Theſe were lying

lying in the utmoſt confuſion; ſome vertical, ſome oblique, ſome horizontal, and directed to every point of the compaſs, entangled and held together in cluſters by the earth. Bones of the moſt diſtant parts were found together; as for inſtance, the ſmall bones of the foot in the hollow of a ſcull; many ſculls were ſometimes in contact, lying on the face, on the ſide, on the back, top or bottom, ſo as on the whole, to giv the idea of bones emptied promiſcuouſly from a bag or baſket, and covered over with earth, without any attention to their order. The bones, of which the greateſt numbers remained, were ſculls, jaw bones, teeth, the bones of the arms, thighs, legs, feet and hands. A few ribs remained, ſome vertibræ of the neck and ſpine, without their proceſſes, and one inſtance only of the bone which ſerves as the baſe to the vertebral column (the os ſacrum)."

After making ſome remarks on the ſtate of putrefaction in which the bones appeared, and on the diſcovery of the bones of infants, Mr. Jefferſon goes on, "I proceeded then to make a perpendicular cut thro the body of the barrow, that I might examin its internal ſtructure. This paſſed about three feet from its center, was opened to the former ſurface of earth, and was wide enough for a man to walk thro and examin its ſides.

"At the bottom, that is on the level of the circumjacent plain, I found bones; above theſe a few ſtones brought from a cliff, a quarter of a mile off, and from the river one eighth of a mile off. Then a large interval of earth, then a ſtratum of bones, and ſo on. At one end of the ſection, were four ſtrata of bones plainly diſtinguiſhable; at the other, three; the ſtrata in one part not ranging with thoſe in another. The bones neareſt the ſurface were leaſt decayed. No holes were diſcovered in any of them, as if made with bullets, arrows or other weapons. I conjectured that in this barrow might have been a thouſand ſkeletons. Every one will readily ſeize the circumſtances above related, which militate againſt the opinion, that it covered the

bones only of perſons fallen in battle; and againſt the tradition alſo which would make it the common ſepulchre of a town, in which the bodies were placed upright, and touching each other. Appearances certainly indicate, that it has derived both origin and growth from the accuſtomary collection of bones and depoſition of them together; that the firſt collection had been depoſited on the common ſurface of the earth, that a few ſtones were put over it, and then a covering of earth, that the ſecond had been laid on this, had covered more or leſs of it in proportion to the number of bones, and was then alſo covered with earth, and ſo on. The following are the particular circumſtances, which giv it this aſpect. 1 The number of bones. 2 The ſtrata in one part having no correſpondence with thoſe in another. 3 The different ſtates of decay in theſe ſtrata, which ſeem to indicate a difference in the time of inhumation. 4 The exiſtence of infant bones among them.

"But on whatever occaſion they may have been made, they are of conſiderable notoriety among the Indians; for a party paſſing about thirty years ago, thro the part of the country where this barrow is, went thro the woods directly to it, without any inſtructions or inquiry, and having ſtaid about it ſome time, with expreſſions which were conſtrued to be thoſe of ſorrow, they returned to the high road which they had left about half a dozen miles, to pay this viſit, and purſued their journey. There is another barrow, much reſembling this, in the low grounds of the ſouth branch of the Shenandoah, where it is croſſed by the road leading from the Rockfiſh Gap to Staunton. Both of theſe have within theſe dozen years, been cleared of their trees and put under cultivation, are much reduced in their height, and ſpread in width, by the plow, and will probably diſappear in time. There is another on a hill in the blue ridge of mountains, a few miles north of Wood's Gap, which is made up of ſmall ſtones thrown together. This has been opened, and found

to

to contain human bones, as the others do. There are alſo others in other parts of the country."

From this account of Mr. Jefferſon, to whoſe induſtry and talents the ſciences and his country will ever be indebted, we may fairly conclude that the mounts at Muſkingum are the work of the nativ Indians. It is however neceſſary to notice two or three particulars, in the appearance of thoſe at Muſkingum, which are not diſcovered (or not mentioned by Mr. Jefferſon) in the ſtructure of that which he examined. Theſe are the iſing glaſs, the earthen ware, the charcoal, and the calcination of the bones by fire. As to the firſt it is well known that the iſing glaſs is found only in particular parts of America, and the ſavages in other parts could not obtain it. Mr. Jefferſon mentions no diſcovery of earthen ware, but it was uſed by the Indians in every part of America. The piece you once ſhewed me, ſir, is a ſpecimen of what is found wherever there has been an Indian town. Pieces of it are dug up frequently in the meadows on Connecticut river. It appears to be formed of pure clay, or of ſhells and cement, hardened by fire, and as we might naturally ſuppoſe, without glazing. By ſections of veſſels which remain, it is evident they were wrought with great ingenuity, and into beautiful and convenient forms.

The charcoal and calcination of ſome bones are a proof that there has exiſted, among the ſavages of America, a cuſtom of burning the dead, or their bones, after the diſſolution of the fleſh. It does not appear that this cuſtom was general, but it is not at all ſurpriſing to find that ſuch a practice has exiſted in this country; ſince it has been frequent among the uncivilized nations on the eaſtern continent.

I am ſenſible, ſir, that you have entertained an opinion that the ſtory of Madoc, the Welch Prince, may be true, and that it is poſſible the fortifications at Muſkingum may be the work of his colony. Of the truth of this concluſion there is perhaps no direct evidence, and yet collateral evidence may be obtained, that it is not chimerical. There is ſuch a ſurpriſing affinity be-

tween the Indian mounts and the barrows or cemetaries which are remaining in England, but particularly in Wales and Angleſey, the laſt retreat of the original Britons, that we can hardly reſolve it into a common principle of analogy that ſubſiſts between nations in the ſame ſtage of ſociety; but incredulity itſelf will acknowlege the probability, that the primitiv inhabitants of Britain and America had a common ſtock from which they were derived, long ſince the age of the firſt parent: Not that I believe North America to be peopled ſo late as the twelfth century, the period of Madoc's migration, but ſuppoſing America to have been ſettled two or three thouſand years before that period, a ſubſequent colony might paſs the Atlantic and bring the Roman improvements in fortification.

Waving further conjectures, I beg leave to deſcribe the analogy between the barrows in England and Wales, and in America. This will be ſtriking, and cannot fail to entertain a curious reader, becauſe it is attended with poſitiv proofs.

In England, Scotland, Wales, and the iſland Angleſey, there are numbers of monuments erected by the ancients; but the moſt remarkable are generally found in the two latter, whither the old Britons retreated from their Roman and Saxon conquerors; and *Angleſey*, the ancient *Mona*, is ſuppoſed to have been the chief ſeat of the Druids. The remains of moſt conſequence are the *cromlechs*, the *tumuli*, and the *cumuli* or *carrnedds*. *Cromlech*, if the word is derived from the Britiſh roots *krom laech*, ſignifies a *bending ſtone*.* This is the common opinion, as Rowland obſerves.† If we trace the origin to the Hebrew, the root of the old Britiſh,‡ we ſhall find it not leſs ſignificativ;

* Camden's Britannia, volume II, page 759.

† Mona Antiq. Reſtaur, page 47.

‡ That the primitiv Britons may claim a very direct deſcent from the ancient inhabitants of Syria and Phenicia, whoſe languages were but branches from the ſame common ſtock, with as Hebrew, may be made to appear probable by a compariſon of their cuſtoms; but may be almoſt demonſtrated by a collation of the old Britiſh language with the Hebrew roots. *See my Diſſertations on the Engliſh Language, Appendix.*

icativ; for *cærem luach* ſignify *devoted ſtone*, or *altar*. Theſe *cromlechs* conſiſt of large ſtones, pitched on end in the earth, as ſupporters, upon which is laid a broad ſtone of a vaſt ſize. The ſupporters ſtand in a bending poſture, and are from three to ſeven feet high. The top ſtone is often found to be of twenty or thirty tons weight, and remains to this day on the pillars. Numbers of theſe are found in Wales and Angleſey; but none is more remarkable than that in Wiltſhire, called *ſtone henge*, for a full deſcription of which I muſt beg leave to refer you to Camden's Britannia, vol. I, page 119. Theſe cromlechs are doubtleſs works of great antiquity; but for what purpoſe they were erected, at ſuch an immenſe expenſe of time and labor as would be neceſſary to convey ſtones of thirty tons weight a conſiderable diſtance, and raiſe them ſeveral feet, is not eaſily determined. The probability is that they were altars for ſacrifice, as pieces of burnt bones and aſhes are found near them. They might alſo be uſed in other ceremonies, under the druidical ſyſtem, as the ratification of covenants, &c. As this kind of monuments is not found in America, I will wave a further conſideration of it; obſerving only, that it was an ancient practice among the eaſtern nations, to raiſe heaps of ſtones, as witneſſes of agreements, and ſacrifice upon them, as a ſolemn ratification of the act of the parties. Many inſtances of this ceremony are mentioned in the old teſtament. The covenant between Jacob and Laban was witneſſed by a heap of ſtones, which ſerved alſo as a boundary between their reſpectiv claims. "*And Jacob offered ſacrifice upon the mount*, that is, the heap, *and called his brethren to eat bread.*" Gen. xxxi, 54. A ſimilar cuſtom ſeems to have prevailed among the primitiv Britons.

But the *tumuli*, barrows or mounts of earth, which remain in multitudes in England and Wales, are conſtructed exactly in the manner of the barrows, deſcribed by Mr. Jefferſon and Mr. Heart. One of theſe in Wiltſhire, Camden thus deſcribes.* "Here Selbury, a round

* Britannia, volume I, page 127.

a round hill, riſes to a conſiderable height, and ſeems by the faſhion of it, and the ſliding down of the earth about it, to have been caſt up by mens hands. Of this ſort there are many in this country, round and copped, which are called *burrows* or *barrows*; perhaps raiſed in memory of the ſoldiers ſlain there. For *bones are found in them*, and I have read, it was a cuſtom among the northern people, that every ſoldier who ſurvived a battle, ſhould bring a helmet full of earth towards the raiſing of monuments for their ſlain fellows."

This is ſaid to be the largeſt and moſt uniform barrow in the country, and perhaps in England; and I regret that the height and circumference are not mentioned. I am however informed verbally by a gentleman who has viſited England, that ſome of theſe tumuli appear to have been nearly one hundred feet high.* There are alſo in the ſame country ſeveral kinds of barrows of different ſizes; ſome ſurrounded with trenches; others not; ſome with ſtones ſet round them, others without any; the general figure of them is nearly circular, but a little oval.

In Penbrokeſhire, in Wales, Camden informs us† "there are divers ancient tumuli, or artificial mounts for urn burial, whereof the moſt notable I have ſeen, are thoſe four, called *krigeu kemaes*, or the burrows of *kemeas*. One of theſe a gentlemen of the neighborhood, out of curioſity, and for the ſatisfaction of ſome friends, cauſed lately to be dug; and diſcovered therein five urns, which contained a conſiderable quantity of burnt bones and aſhes." If there is any difference between theſe barrows, and thoſe at Muſkingum, it is this, that in Wales the bones were lodged in urns; probably this was the fate of the bodies of eminent men only, or it proves a greater degree of improvement in Britain than appears among the American ſavages.

In Caermardhinſhire, there is a barrow of a ſingular kind. It is called, *krig y dyrn* (probably the king's barrow.)

* One as large as that is ſaid to be found at Grave Creek, about eighty miles above Muſkingum.

† Volume II, page 763.

barrow*.) The circumference at bottom is ſixty paces, and its height about ſix yards. It riſes by an eaſy aſcent to the top, which is hollow. This is a heap of earth, raiſed over a *carrnedd* or pile of ſtones. In the center of the cavity on the top, there is a large flat ſtone, about nine feet by five; beneath this was found a *kiſt vaen*, a kind of ſtone cheſt, four feet and a half by three, and made up of ſtones, and within and about it were found a few pieces of brick and ſtones. This might have been the tomb of a druid, or prince.

The *cumuli* of ſtones or *caernedds*, as they are called by the Welſh, from *keren neah*, a *coped heap*, are ſcattered over the weſt of England and Wales, and appear to have been raiſed in the manner of our Indian heaps, and for the ſame purpoſe, viz. to preſerve the memory of the dead. Every Indian in this country that paſſes one of theſe heaps, throws a ſtone upon it. Rowland remarks that the ſame cuſtom exiſts among the vulgar Welch to this day; and if I miſtake not, Camden takes notice of the ſame practice. Rowland ſays, "in theſe *coel ceithic*, (certain feſtivals) people uſe, even to this day, to throw and offer each one his ſtone, tho they know not the reaſon. The common tradition is, that theſe heaps cover the graves of men, ſignal either for eminent virtues, or notorious villanies, on which every perſon looked on himſelf obliged as he paſſed by, to beſtow a ſtone, in veneration of his good life, or in deteſtation of his vileneſs." This practice now prevails in Wales and Angleſey, merely as a mark of contempt.

The *carrnedds* in America anſwer exactly the deſcription of thoſe in Wales, and the practice of throwing upon the heap each man his ſtone as he paſſes by, exiſts among the Indians, in its purity; that is, as *a mark of reſpect*.

It is ſaid by authors that mounts and piles of ſtones, are found likewiſe in Denmark and Sweden; but in conſtruction they differ from thoſe found in Britain. Yet from the foregoing deſcriptions, taken from authentic teſtimony, it appears, that between the barrows in

* Camden, volume II, page 751.

in England and America, the manner of conſtructing them in both, and the purpoſes to which they were applied, there is an analogy, rarely to be traced in works of ſuch conſequence, among nations whoſe intercourſe ceaſed at Babel; an analogy that we could hardly ſuppoſe would exiſt among nations deſcended from different ſtocks. This analogy however, without better evidence, will not demonſtrate the direct deſcent of the Indians from the ancient Celts or Britons. But as all the primitiv inhabitants of the weſt of Europe were evidently of the ſame ſtock, it is natural to ſuppoſe they might paſs from Norway to Iceland, from Iceland to Greenland, and from thence to Labrador; and thus the North American ſavages may claim a common origin with the primitiv Britons and Celts. This ſuppoſition has ſome foundation, and is by no means obviated by Cook's late diſcoveries in the Pacific ocean.*

Theſe are however but conjectures. Future diſcoveries may throw more light upon theſe ſubjects. At preſent, a few facts only can be collected to amuſe a contemplativ mind, and perhaps lead to inquiries which will reſult in a ſatisfactory account of the firſt peopling of America, and of the few remains of antiquity which it affords.

* Monſ. Mallet, in his Northern Antiquities, has produced unqueſtionable teſtimony, from the Chronicles of Iceland and others hiſtories of the north, that the American continent was diſcovered about the tenth century; and the eſquimaux are clearly of the ſame race as the Greenlanders.

No. XVII.

NEW-YORK, FEBRUARY, 1788.

On the REGULARITY *of the* CITY *of* PHILADELPHIA.

"WELL, how do you like Boſton?" ſaid an American to a Londoner, who had juſt arrived, and walked thro the town. "Extremely," replied the Engliſhman; "it reſembles London in the crookedneſs and narrowneſs of the ſtreets; I am always pleaſed with a careleſs irregularity and variety."

"How do you like Boſton," ſays a nativ of the town to a Philadelphian. "I am much pleaſed with the people," replies the gentleman; "but the ſtreets are ſo crooked, narrow and irregular, that I have good luck to find my way, and keep my ſtockings clean."

An Engliſhman and a Boſtonian, walking together in Philadelphia, were heard to ſay, "how fatiguing it is to paſs thro this town! ſuch a ſameneſs in the whole! no variety! when you have ſeen one ſtreet, you have ſeen the whole town!"

Theſe remarks, which are heard every day, illuſtrate moſt ſtrikingly the force of habit and tradition. The influence of habit is every where known and felt; any prepoſſeſſions therefore in favor of our nativ town, is not a matter of ſurpriſe. But that a traditionary remark or opinion ſhould be handed from one generation to another, and lead nations into error, without a detection of its falſity, is a fact as aſtoniſhing as it is real. Such is the opinion of the writers on the fine arts; "that variety is pleaſing;" an opinion embraced without exception, and applied promiſcuouſly to the works of nature and of art. I have rarely met with a perſon, not an inhabitant of Philadelphia, who would not ſay he was diſguſted with its regularity; and I am confident that the opinion muſt proceed from that common

place

place remark, *that variety is pleaſing*; otherwiſe men could not ſo unanimouſly condem what conſtitutes its *greateſt beauty*.

That in the productions of nature, variety conſtitutes a principal part of beauty, and a fruitful ſource of pleaſure, will not be denied: But the beauty and agreeableneſs of works of art depend on another principle, viz. *utility or convenience*. The *deſign* of the work, or the end propoſed by it, muſt be attentivly conſidered before we are qualified to judge of its *beauty*.

This kind of beauty is called by Lord Kaim,* *relativ beauty*. He obſerves very juſtly, that "*intrinſic* beauty is a perception of ſenſe merely; for to perceive the beauty of a ſpreading oak, or of a flowing river, no more is required but ſingly an act of viſion. *Relativ beauty* is accompanied with an act of underſtanding and reflection; for of a fine inſtrument or engine, we perceive not the *relativ* beauty, until we are made acquainted with its uſe and deſtination." A plow has not the leaſt *intrinſic* beauty; but when we attend to its *uſe*, we are conſtrained to conſider it as a *beautiful inſtrument*, and ſuch a view of it furniſhes us with agreeable ſenſations.

The ſingle queſtion therefore, with reſpect to a town or city, is this: *Is it planned and conſtructed for the greateſt poſſible convenience?* If ſo, it is completely beautiful. If wide and regular ſtreets are more uſeful and convenient than thoſe that are narrow and crooked, then a city conſtructed upon a regular plan is the moſt beautiful, however uniform the ſtreets in their directions and appearance.

I have often heard a compariſon made between the level roads of Holland and the uniform ſtreets of Philadelphia. A *dull ſameneſs* is ſaid to render both diſagreeable. Yet if a perſon will attentivly conſider the difference, I am perſuaded he will be convinced that his taſte is but *half correct*; that is, that a juſt remark with reſpect to a level open country, is improperly applied to a commercial city. *Variety* in the works of nature is pleaſing;

* Elements of Criticiſm. Vol. I, page 198.

pleaſing; but never in the productions of art, unleſs in copies of nature, or when that variety does not interfere with *utility*. A level champaign country is rarely convenient or uſeful; on the other hand, it is generally more barren than a country diverſified with hills and vales. There is not generally any advantage to be derived from a wide extended plain; the principle of *utility*, therefore does not oppoſe and ſuperſede the taſte for variety, and a tedious *fameneſs* is left to have its full effect upon the mind of a ſpectator. This is the fact with reſpect to the roads in Holland.

But it is otherwiſe in a city, which is built for the expreſs purpoſe of accommodating men in buſineſs. We do not conſider it as we do a landſcape, an imitation of a natural ſcene, and deſigned to pleaſe the eye; but we attend to its uſes in artificial ſociety, and if it appears to be calculated for the convenience of all claſſes of citizens, the plan and conſtruction muſt certainly be beautiful, and afford us agreeable ſenſations.

The regularly built towns in America are Philadelphia, Charleſton, in South Carolina, and New Haven. All theſe may be eſteemed beautiful, tho not perfectly ſo. Philadelphia wants a public ſquare or place of reſort for men of buſineſs, with a ſpacious building for an exchange. This ſhould be near Market ſtreet, in the center of buſineſs. The gardens at the State Houſe are too ſmall for a public walk in that large city. The whole line of bank houſes* is the effect of ill timed parſimony. The houſes are inconvenient, and therefore not pleaſing to the eye; at the ſame time they render Water ſtreet too narrow.

But whatever faults may be found in the conſtruction or plan of the city, its general appearance is agreeable, and its *regularity* is its greateſt beauty. Whenever I hear a perſon exclaim againſt the uniformity that pervades that city, I ſuppoſe him the dupe of a common place remark, or that he believes a city built merely to pleaſe the eye of a ſpectator.

Charleſton

* A line of houſes built on the deſcent of land to the river, with a ſtreet adjacent to the houſes on both ſides.

Charleſton is ſituated upon low ground; but juſt above high water mark. The ſoil is ſand, which, with a ſcarcity of ſtone, has prevented the ſtreets from being paved. The plan of the city is regular, but ſome of the ſtreets are too narrow. As it is almoſt ſurrounded with water and low marſhy ground, it was neceſſary to attend to every circumſtance that ſhould contribute to preſerve a pure air. For this purpoſe, it was the original deſign of the citizens, to prevent any buildings from being erected on the wharves, in front of the town; thus leaving a principal ſtreet, called the bay, open to the ſea breezes. Since the revolution, this deſign has been partially diſpenſed with; and ſome buildings erected on the water ſide of the bay, and particularly one in front of the Exchange, which ſtands at the head of Broad ſtreet, and commands an extenſiv view of the town on one ſide, and of the harbor on the other. Should ſtores and warehouſes be raiſed on the wharves, to ſuch a height as to intercept a view of the harbor from the bay, they would diminiſh the beauty of the town, and in ſome degree prevent the agreeable effect of the cool breezes from the ſea.

New Haven was laid out on a moſt beautiful plan, which has however ſuffered in the execution. The ſtreets croſs each other at right angles, as in Philadelphia; and divide the city into convenient ſquares. But in the center is a large public ſquare, the ſides of which are more than three hundred yards in length, and adorned with rows of trees. Thro the center of this ſquare runs a line of elegant public buildings, viz. the ſtate houſe, two churches and a ſchool houſe. This ſquare is a capital ornament to the town; but is liable to two exceptions. Firſt, it is too large for the populouſneſs of the city, which contains about 500 buildings. In ſo ſmall a town, it muſt generally be empty, and conſequently givs the town an appearance of ſolitude or dullneſs. In the ſecond place, that half of the ſquare which lies weſt of the public buildings, is occupied moſtly by the church yard, which is encloſed with a circular fence. This reduces the public ground on the

the oppoſit ſide to a paralellogram, which is a leſs beautiful figure than a ſquare; and annihilates the beauty of the weſtern diviſion which it occupies. Nothwithſtanding theſe circumſtances, the green or public ground in the center of New Haven, renders it perhaps the moſt beautiful ſmall ſettlement in America.

No.

No. XVIII.

NEW YORK, MAY, 1788.

A DISSERTATION *concerning the* INFLUENCE *of* LANGUAGE *on* OPINIONS, *and of* OPINIONS *on* LANGUAGE.*

THE deſign of this diſſertation is to ſhow how far truth and accuracy of thinking are concerned in a clear underſtanding of *words*. I am ſenſible that in the eye of prejudice and ignorance, grammatical reſearches are the buſineſs of ſchool boys; and hence we may deduce the reaſon why philoſophers have generally been ſo inattentiv to this ſubject. But if it can be proved that the *mere uſe of words* has led nations into error, and ſtill continues the deluſion, we cannot heſitate a moment to conclude, that grammatical enquiries are worthy of the labor of *men*.

The Greek name of the Supreme Being, *Theos*, is derived from *Theo*, *to run*, *or move one's ſelf*. Hence we diſcover the ideas which the Greeks originally entertained of God, viz. that he was the *great principle of motion*. The ſame word, it is ſaid, was primarily appropriated to the ſtars, as moving bodies; and it is probable that, in the early ages of Greece, the heavenly bodies might be eſteemed Deities, and denominated *Theoi*, *moving bodies* or *principles*. The Latin word *Deus* was uſed to denote thoſe inferior beings which we call *ſpirits* or *angels*, or perhaps *one God* among ſeveral. To giv the true idea of *Deus* in French and Engliſh, the word ſhould be rendered *le Dieu*, *the God*. This at leaſt may be ſaid of the word, in its true *original* ſenſe; however it may have been uſed in the later ages of Rome. The

* This title, and many of the following ideas, are borrowed from a treatiſe of Mr. Michaelis, director of the Royal Society of Gottingen.

The Engliſh word *God*, is merely the old Saxon adjectiv *god*, now ſpelt and pronounced *good*.

The German *Gott* is from the ſame root. The words *God* and *good* therefore are ſynonimous. The derivation of the word leads us to the notions which our anceſtors entertained of the Supreme Being; ſuppoſing him to be the principle or author of good, they called him, by way of eminence, *Good*, or *the Good*. By long uſe and the progreſs of knowlege, the word is become the name of the great Creator, and we have added to it ideas of other attributes, as juſtice, power, immutability, &c. Had our heathen anceſtors entertained different ideas of the Deity; had they, for inſtance, ſuppoſed juſtice to have been his leading attribute, if I may uſe the term, they would have called him *the juſt*; and this appellation, by being uniformly appropriated to a certain inviſible being, or ſuppoſed cauſe of certain events, would in time have loſt the article *the*, and *juſt* would have become the *name* of the Deity. Such is the influence of opinion in the formation of language.

Let us now compare the names of the Deity in the three languages; the Greek, *Theos*, denoting a *moving being*, or the *principle of action*, evinces to us that the Greeks gave the name to the *cauſe of events*, without having very clear ideas of the nature or attributes of that cauſe. They ſuppoſed the great operations of nature to have each its cauſe; and hence the plurality of cauſes, *theoi*, or moving principles.

The Romans borrowed the ſame word, *Deus*, and uſed it to denote the celeſtial *agents* or *gods* which they ſuppoſed to exiſt, and to ſuperintend the affairs of the univerſe.

Our northern anceſtors had an idea that all favorable events muſt have an efficient cauſe; and to this cauſe they gave the name of *God* or *good*. Hence we obſerve that the Engliſh and German words *God* and *Got* do not convey preciſely the ſame idea, as the *Theos* and *Deus* of the Greeks and Romans. The former cannot be uſed in the plural number; as they are the

names

names of a ſingle indiviſible being; the latter were uſed as names common to a number of beings.

The word *Demon*, in Greek, was uſed to ſignify ſubordinate deities, both good and evil. The Jews, who had more perfect ideas of the Supreme Being, ſuppoſed there could be but one good Deity, and conſequently that all the *demons* of the Greeks muſt be *evil* beings or *devils*. In this ſenſe alone they uſed the word, and this reſtricted ſenſe has been communicated thro Chriſtian countries in modern ages. The opinion of the Jews, therefore, has had a material effect upon language, and would lead us into an error reſpecting the Greek mythology; unleſs we ſhould trace the word *demon* to its primitiv ſignification.

The word *devil*, in Engliſh, is merely a corruption of *the evil*, occaſioned by a rapid pronunciation. This will not appear improbable to thoſe who know, that in ſome of the Saxon dialects, the character which we write *th* is almoſt invariably written and pronounced *d*. Hence we learn the notion which our anceſtors entertained of the *cauſe of evil*, or of unfortunate events. They probably aſcribed ſuch events to a malignant principle, or being, which they called, by way of eminence, *the evil*; and theſe words, corrupted by common uſe, have given name to the being or principle.

I would only obſerve here that the etymology of theſe two words, *God* and *devil*, proves that the Manichean doctrine of a *good* and *evil* principle prevailed among our northern anceſtors. It has prevailed over moſt of the eaſtern countries in all ages, and Chriſtianity admits the doctrine, with this improvement only, that it ſuppoſes the *evil* principle to be ſubordinate to the *good*. The ſupreme cauſe of events, Chriſtians believe to be *good* or *God*, for the words are radically the ſame; the *cauſe of evil* they believe to be ſubordinate; yet, ſtrange as it may ſeem, they ſuppoſe the *ſubordinate evil* principle to be the moſt prevalent.

We are informed by Ludolph, that the Ethiopeans, having but one word for *nature* and *perſon*, could not underſtand the controverſy about Chriſt's two natures.

This

This is not ſurpriſing; nations, in a ſavage ſtate, or which have not been accuſtomed to metaphyſical diſquiſitions, have no terms to communicate abſtract ideas, which they never entertained; and hence the abſurdity of attempting to chriſtianize ſavages. Before men can be Chriſtians they muſt be civilized; nay, they muſt be philoſophers. It is probable that many who are called Chriſtians, are in the ſtate of the Ethiopians, with reſpect to the ſame doctrin; and that they paſs thro life, without ever having any clear ideas of the different natures of Chriſt. Yet the diſtinction is conſtantly made in words; and that diſtinction paſſes for a difference of ideas. Such is the influence of language on opinion.

The words *ſoul*, *mind* and *ſpirit*, are conſtantly uſed by people, and probably the difference of words has given riſe to an opinion that there is an actual difference of things. Yet I very much queſtion whether the perſons who uſe theſe words every day, annex any diſtinct ideas to them; or if they do, whether they could explain the difference.

The Greeks believed in the doctrin of tranſmigration. They had obſerved the metamorphoſis of the caterpillar, and ſuppoſing the ſame ſoul to animate the different bodies, and believing the ſoul to be perpetual or immortal, they made the butterfly the hieroglyphic of the ſoul: Hence the Greek word for ſoul, *pſuke*, came to ſignify alſo a *butterfly*.

For want of attending to the true etymology of the word *glory*, falſe opinions have gained an eſtabliſhment in the world, and it may be hazardous to diſpute them. It is ſaid that the *glory* of God does not depend on his creatures, and that the glory of the good man depends not on the opinion of others. But what is glory? The Greek word *doxe* explains it. It is derived from *dokeo*, *to think*; and ſignifies the *good opinion of others*. This is its *true* original meaning; a man's glory therefore conſiſts in having the good opinion of men, and this cannot generally be obtained, but by meritorious actions. The *glory* of God conſiſts in the exalted ideas

which his creatures entertain of his being and perfections. His *glory* therefore depends *wholly on his creatures*. The word is indeed often uſed to ſignify the greatneſs, ſplendor or excellence of the divine character. In this ſenſe the *divine glory* may be independent of created beings; but it is not the primitiv ſenſe of the word, nor the ſenſe which anſwers to the original meaning of the Greek *doxe*, and the Latin *gloria*.

No right in England and America is ſo much celebrated as that of *trial by peers*; by which is commonly underſtood, *trial by equals*. The right is valuable, but is not derived from the primitiv cuſtom of *trial by equals*; on the contrary, it is very queſtionable whether ſuch a cuſtom exiſted prior to Alfred. Yet the *trial by peers* exiſted long before, and can be traced back to the date of the Chriſtian era. The truth is, the word *peer* is not derived from the Latin *par*, equal; but from the German, or Teutonic *bar* or *par*, which ſignified a landholder, freeman or judge. The *bars* were that claſs of men who held the *fees* or property in eſtates; and from whom the word *baron* and the attendant privileges are derived. We have the ſame root in *baron*, *baronet*, *parliament*, *pariſh*, and many other words, all implying ſome degree of authority, eminence or juriſdiction. From the ſame word *bar* or *par*, (for *B* and *P* are convertible letters) the word *peer* is derived, as it is uſed in the common expreſſions *houſe of peers*, *trial by peers*. It ſignified originally, not *equals*, but *judges* or barons. The *houſe of peers* in England derives its appellation and its juriſdiction from the ancient mode of trial by *bars* or barons; for it is the final reſort in all judicial caſes. Yet the ancient Engliſh lawyers, ſuppoſing the word to be from the Latin *par*, equal, have explained it in that ſenſe, and multiplied encomiums without end upon the excellence of the privilege. The privilege is valuable, but its excellence, if it conſiſts in a *trial by equals*, is modern, compared with the original cuſtom, which was a *trial by barons*, or principal landholders.

It

It is probable that our modern writers, miſunderſtanding the term *voluptas*, have paſſed too ſevere cenſures upon epicures. The true primitiv meaning of *voluptas* was that of *pleaſurable ſenſations* ariſing from innocent gratifications. Our modern word *voluptuouſneſs* carries with it a much ſtronger idea, and hence we are led into an error reſpecting the doctrine of Epicurus, who might confine his ideas of pleaſure to innocent gratifications.

We have been accuſtomed from childhood to hear the expreſſions, *the dew falls*; *the dews of heaven*; and it is probable that nine people out of ten, have never ſuſpected the inaccuracy of the phraſes. But *dew* is merely the perſpiration of the earth; it *riſes* inſtead of *falling*, and riſes during the night.*

It was alſo ſuppoſed that *manna* in the eaſtern countries, came from above, and it is called in ſcripture *bread from heaven*. Yet *manna* is a gum, exuding from plants, trees and buſhes, when pierced by certain inſects. The truth of this fact was not diſcovered, till the middle of the ſixteenth century.

Every man knows, when the prices of goods riſe, it is ſaid they become *dear*; yet when the prices riſe in conſequence of an overflowing ſum of money in circulation, the fact is that the *value of money falls*, and the value of goods remains the ſame. This erroneous opinion had an amazing effect in raiſing popular clamor, at the commencement of the late revolution.

I will

* Any perſon may prove this by a trifling experiment. Let him place a glaſs receiver or bowl over the graſs in a ſummer's day, and the next morning he will find as much dew *under* it as around it.

The truth is this; the particles of water are conſtantly exhaled from the earth by the heat of the ſun. During the day time, theſe particles aſcend in an imperceptible manner, and furniſh the atmoſphere with the materials of clouds and rain. But in the night, the atmoſphere grows cool, while the earth, retaining a ſuperior degree of heat, continues to throw off the particles of water. Theſe particles, meeting the colder atmoſphere, are condenſed, and lodge upon the ſurface of the earth, graſs, trees and other objects. So that the expreſſion, *the dew falls*, is in a degree true, altho it *firſt riſes* from the earth.

I will name but one other inſtance, which has a material influence upon our moral and religious opinions. It is ſaid in ſcripture that *God hardened Pharaoh's heart.* How? Was there a miracle in the caſe? By no means. The manner of ſpeaking leads us into the miſtake. The firſt cauſe is mentioned, and not the intermediate cauſe or cauſes. So we ſhould ſay, that *General Waſhington attacked the Britiſh troops at Monmouth*; altho he was at a great diſtance when the attack was commenced, and only *ordered* the attack. I ſuſpect that ſimilar modes of ſpeaking in ſcripture often lead ſuperficial minds into miſtakes, and in ſome inſtances, giv occaſion to infidels to ſcoff at paſſages, which, if rightly underſtood, would ſilence all objections.

This is a fruitful theme, and would lead an ingenious inquirer into a wide field of inveſtigation. But I have neither time nor talents to do it juſtice; the few hints here ſuggeſted may have ſome effect in convincing my readers of the importance and utility of all candid reſearches into the origin and ſtructure of ſpeech; and pave the way for further inveſtigations, which may aſſiſt us in correcting our ideas and aſcertaining the force and beauty of our own language.

No.

No. XIX.

PHILADELPHIA, 1787.

On VOCAL MUSIC.

THE eſtabliſhment of ſchools for teaching pſalmody in this city is a pleaſing inſtitution; but people ſeem not to underſtand the deſign, or rather are not aware of the advantages which may reſult from it, if properly conducted and encouraged. Moſt people conſider muſic merely as a ſource of pleaſure; not attending to its influence on the human mind, and its conſequent effects on ſociety. But it ſhould be regarded as an article of education, *uſeful* as well as ornamental.

The human mind is formed for activity; and will ever be employed in buſineſs or diverſions. Children are perpetually in motion, and all the ingenuity of their parents and guardians ſhould be exerted to deviſe methods for reſtraining this activ principle, and directing it to ſome *uſeful* object, or to *harmleſs trifles*. If this is not done, their propenſity to action, even without a vicious motiv, will hurry them into follies and crimes. Every thing innocent, that attracts the attention of children, and will employ their minds in leiſure hours, when idleneſs might otherwiſe open the way to vice, muſt be conſidered as a valuable employment. Of this kind is vocal muſic. There were inſtances of youth, the laſt winter, who voluntarily attended a ſinging ſchool in preference to the theatre. It is but reaſonable to ſuppoſe, that if they would neglect a theatre for ſinging, they would neglect a thouſand amuſements, leſs engaging, and more pernicious.

Inſtrumental muſic is generally prefered to vocal, and conſidered as an elegant accompliſhment. It is indeed a pleaſing accompliſhment; but the preference given to it, is a ſpecies of the ſame falſe taſte, which places a ſon under the tuition of a *drunken clown*, to make him a gentleman of *ſtrict morals*.

Inſtrumental

Inſtrumental muſic may exceed vocal in ſome nice touches and diſtinctions of ſound; but when regarded as to its effects upon the mind and upon ſociety, it is as inferior to vocal, as ſound is inferior to ſenſe. It is very eaſy for a ſpruce beau to diſplay a contempt for vocal muſic, and to ſay that human invention has gone beyond the works of God Almighty. But till the ſyſtem of creation ſhall be new modelled, the human voice properly cultivated will be capable of making the moſt perfect muſic. It is neglected; ſol faing is unfaſhionable, and that is enough to damn it: But people who have not been acquainted with the perfection of pſalmody, are incapable of making a ſuitable compariſon between vocal and inſtrumental muſic. I have often heard the beſt vocal concerts in America, and the beſt inſtrumental concerts; and can declare, that the muſic of the latter is as inferior to that of the former, as the merit of a *band box macaroni* is to that of a Cato.

Inſtrumental muſic affords an agreeable amuſement; and as an amuſement it ought to be cultivated. But the advantage is private and limited; it pleaſes the ear, but leaves no impreſſion upon the heart.

The deſign of muſic is to awaken the paſſions, to ſoften the heart for the reception of ſentiment. To awaken paſſion is within the power of inſtruments, and this may afford a temporary pleaſure; but ſociety derives no advantage from it, unleſs ſome uſeful ſentiment is left upon the heart.

Inſtruments are ſecondary in their uſe; they were invented originally, not to ſupercede, but to aſſiſt the voice. The firſt hiſtories of all nations were written in verſe, and ſung by their bards. In later ages, the *oaten reed*, the *harp* and the *lyre*, were found to improve the pleaſures of muſic; but the neglect of the voice and of ſentiment was reſerved for modern corruption. Ignorant indeed is the man, and poſſeſſed of a wretched taſte, who can ſeriouſly deſpiſe the humble pleaſures of vocal muſic, and prefer the bare harmony of ſounds. Sentiment ſhould ever accompany muſic; the ſounds ſhould ever correſpond with the ideas, otherwiſe muſic

loſes

loſes all its force. Union of ſentiment, with harmony of ſounds, is the perfection of muſic. Every ſtring of the human heart may be touched; every paſſion rouſed by the different kinds of ſounds; the courage of the warrior; the cruelty of the tyrant; anger; grief; love, with all its ſenſibilities, are ſubject to the influence of muſic. Even brutes acknowlege its effects; but while they in common with man feel the effects of a harmony of mere ſounds, man enjoys the ſuperior felicity of receiving ſentiment; and while he reliſhes the pleaſures of chords in ſound, he imbibes a diſpoſition to communicate happineſs to ſociety.

Seldom indeed do men reflect on the connexion between the chords of muſic and the ſocial affections. Morality is to immorality, what harmony is to diſcord. Society deteſts vice, and the ear is offended with diſcordant ſounds. Society is pleaſed and happified with virtue, and the ear is delighted with harmony. This beautiful analogy points out the utility of cultivating muſic as a ſcience. Harſh diſcordant ſounds excite the peeviſh malevolent paſſions; harmonious ſounds correct and ſoften the rougher paſſions.

Every perſon will acknowlege, that love refines the heart, and renders it more ſuſceptible, and more capable of ſocial virtue. It is for this reaſon that men who have particular attachments to women, or aſſociate much with ladies of delicacy, are more diſpoſed to do acts of kindneſs, in every ſphere of life, than thoſe who ſeldom frequent ladies company. On the other hand, anger, jealouſy, envy, are diſſocial paſſions; and even when they are excited by a ſingle object, they poiſon the heart, and diſqualify it for exciting the ſocial affections towards any of the human race. Every inſtitution, therefore, calculated to prepare the human heart for exerting the ſocial virtues, and to ſuppreſs or check the malignant paſſions, muſt be highly beneficial to ſociety; and ſuch I conſider eſtabliſhments in favor of vocal muſic. Happy, indeed, ſhould I feel, could I ſee youth devoted every where to the refinement of their voices and morals; to ſee them prefer moral or religious

ligious pieces to the indecent ſongs or low diverſions which taint the mind in early life, and diffuſe their pernicious influence through ſociety.

If the poiſon of the tarantula may be counteracted by muſic; if the Spaniſh ladies are won by nocturnal ſerenades; if the ſoldier is inſpired with courage by the martial ſounds of the trumpet, and the Chriſtian impreſſed with devout ſentiments by the ſolemn tones of the organ; what advantage may ſociety derive from the ſoftening harmony of choirs of voices, celebrating the praiſes of ſocial virtue! Happy days! when *falſe taſte* and *falſe opinions* ſhall vaniſh before the progreſs of *truth*; when princes ſhall reſume their ancient and honorable taſk of teaching the young to be *good* and *great*; when an Addiſon ſhall be preferred to a Cheſterfield; when the wealth of nations ſhall be no longer laviſhed upon fiddlers and dancers; when the characters of a *Benezet* and a WASHINGTON ſhall obſcure the glories of a Cæſar; and when no man ſhall be aſhamed to be *good*, becauſe it is unfaſhionable.

No. 1

No. XX.

NEW YORK, JUNE, 1788.

On MORALITY.

"THE principles of morality are little underſtood among ſavages," ſays Lord Kaimes, "and if they arrive to maturity among enlightened nations, it is by ſlow degrees."

With ſubmiſſion to that writer, I would advance another poſition equally true, "that the principles of eating and drinking are little underſtood by ſavages, and if they arrive to maturity among civilized nations, it is by ſlow degrees."

The truth is, morality conſiſts in diſcharging the ſocial duties of life; and ſo far as the ſtate of ſavages requires an intercourſe of duties, the moral principles ſeem to be as perfect in them as in more enlightened nations. Savages in a perfectly rude ſtate have little or no commerce; the tranſactions between man and man are confined to very few objects, and conſequently the laws which regulate their intercourſe and diſtribute juſtice, muſt be few and ſimple.* But the crime of murder is as ſeverely puniſhed by ſavages, as by civilized nations. Nay, I queſtion whether it is poſſible to name the barbarous tribe, which ſuffers an individual to take the life of another, upon as eaſy terms as the modern feudal Barons in Europe may do that of a vaſſal; or with the ſame impunity that a planter in the Weſt Indies takes the life of a ſlave. I ſpeak of a time of peace, and of the conduct of ſavages towards their own tribes. As to war, every nation of ſavages has its arbitrary

* It is a fact, ſupported by unqueſtionable teſtimony, that the ſavage nations on the frontiers of theſe States, have fewer vices in proportion to their virtues, than are to be found in the beſt regulated civilized ſocieties with which we are acquainted.

arbitrary cuſtoms, and ſo has every civilized nation. Savages are generally partial and capricious in the treatment of their priſoners; ſome they treat with a ſingular humanity; and others they put to death with the ſevereſt cruelty. Well, do not civilized people the ſame? Did a ſavage ever endure greater torments, than thouſands of priſoners during the late war? But not to mention the practice of a ſingle nation, at a ſingle period; let us advert to a general rule among civilized nations; that it is lawful to put to death priſoners taken in a garriſon by ſtorm. The practice grounded on this rule, is as direct and as enormous a violation of the laws of morality, as the ſlow deliberate tortures exerciſed by the moſt barbarous ſavages on earth.

Well, what are the ideas of ſavages reſpecting *theft?* How do they differ from thoſe of an enlightened people? Many things are poſſeſſed in common, as proviſions taken in hunting, corn, &c. Ferdinand de Soto relates, that the tribes (and he viſited hundreds in Florida) had public granaries of corn laid up for winter, which was diſtributed by authority to each family, according to its number. But for an individual to take from this common ſtock without licenſe, was conſidered as a criminal defrauding of the public. And with regard to the few articles, in which individuals acquire private property, the ſavages have as correct ideas of *meum* and *tuum*, of theft, treſpaſs, &c. and are as careful to guard private property from invaſion, by laws and penalties, as any civilized people. The laws of the Creeks, the Cherokees, the Six Nations, &c, with regard to theſe and many other crimes, in point of reaſon and equity, ſtand on a footing with thoſe of the moſt civilized nations; and in point of execution and obſervance, their adminiſtration would do honor to any government. Among moſt ſavage nations there is a kind of monarchy which is efficient in adminiſtration; and among thoſe tribes which have had no intercourſe with civilized nations, and which have not been deceived by the tricks of traders; the common arts of cheating, by which millions of enlightened people get a living

a living or a fortune, are wholly unknown. This is an incontrovertible fact. I lately became acquainted with a lad of about twelve years old, who was taken captiv by the Indians in 1778, while a child, and had continued with them till about ten years old. He had no recollection of the time when he was taken, and conſequently his mind could not have been corrupted among the Engliſh. When he was reſtored, agreeable to the treaty, he was a perfect ſavage; but what I relate the circumſtance for, is this; the lad was not addicted to a ſingle vice. He was inſtant and cheerful in obeying commands; having not even a diſpoſition to refuſe or evade a compliance. He had no inclination to lie or ſteal; on the other hand, he was always ſurpriſed to find a perſon ſaying one thing and meaning another. In ſhort, he knew not any thing but honeſty and undiſguiſed frankneſs and integrity. A ſingle inſtance does not indeed eſtabliſh a general rule; but thoſe who are acquainted with the nativs of America can teſtify that this is the general character of ſavages who are not corrupted by the viees of civilized nations.

But it is ſaid ſavages are revengeful; their hatred is hereditary and perpetual. How does this differ from the hatred of civilized nations? I queſtion much whether the principle of revenge is not as perfect in enlightened nations, as in ſavages. The difference is this; a ſavage hunts the man who has offended him, like a wild beaſt, and aſſaſſinates him wherever he finds him; the *gentleman* purſues his enemy or his rival with as much rancor as a ſavage, and even ſtoops to notice little affronts, that a ſavage would overlook; but he does not ſtab him privately; he hazards his own life with that of his enemy, and one or both are very *honorably* murdered. The principle of revenge is equally activ in both caſes; but its operation is regulated by certain arbitrary cuſtoms. A ſavage is open and avows his revenge, and kills privately; the polite and well bred take revenge in a more *honorable* way, when *life* is to be the price of ſatisfaction; but in caſes of ſmall affronts, they are content with privately ſtabbing the reputation

reputation or ruining the fortunes of their enemies. In ſhort, the paſſions of a ſavage are under no reſtraint; the paſſions of enlightened people are reſtrained and regulated by a thouſand civil laws and accidental circumſtances of ſociety.

But it will be objected, if ſavages underſtood principles of morality, they would lay ſuch paſſions under reſtraint. Not at all; Civil and political regulations are not made, becauſe the things prohibited are in their own nature wrong; but becauſe they produce inconveniencies to ſociety. The moſt enlightened nations do not found their laws and penalties on an abſtract regard to *wrong*; nor has government any concern with that which has no influence on the peace and ſafety of ſociety. If ſavages, therefore, leave every man to take his own revenge, it is a proof that they judge it the beſt mode of preventing the neceſſity of it; that is, they think their ſociety and government ſafer under ſuch a licenſe, than under regulations which ſhould control the paſſions of individuals. They may have their ideas of the nature of revenge independent of ſociety; but it will be extremely difficult to prove, that, abſtracted from a regard to a Deity and to ſociety, there is ſuch a thing as *right* and *wrong*. I conſider *morality* merely as it reſpects *ſociety*; for if we ſuperadd the obligations of a divine command, we blend it with *religion*; an article in which Chriſtians have an infinit advantage over ſavages.

Conſidering moral duties as founded ſolely on the conſtitution of ſociety, and as having for their ſole end the happineſs of ſocial beings, many of them will vary in their nature and extent, according to the particular ſtate and circumſtances of any ſociety.

Among the ancient Britons, a ſingular cuſtom prevailed; which was, a community of wives by common conſent. Every man married one woman; but a number, perhaps ten or twelve, relations or neighbors, agreed to poſſeſs their wives in common. Every woman's children were accounted the children of her huſband; but every man had a ſhare in the common defence

fence and care of this little community.* Was this any breach of morality? Not in the leaſt. A Britiſh woman, in the time of Severus, having become intimate with Julia Auguſta, and other ladies, at the court of Rome, had obſerved what paſſed behind the curtain; and being one day reproached for this cuſtom of the Britons, as infamous in the women, and barbarous in the men; ſhe replied, "We do that *openly* with the *beſt* of our men, which you do *privately* with the *worſt* of yours." This cuſtom, ſo far from being infamous or barbarous, originated in public and private convenience. It prevented jealouſy and the injuries of adultery, in a ſtate where private wrongs could not eaſily be prevented or redreſſed. It might be an excellent ſubſtitute for penal laws and a regular adminiſtration of juſtice. But there is a better reaſon for the cuſtom, which writers ſeem to have overlooked; and this is, that a community multiplied the chances of ſubſiſtence and ſecurity. In a ſavage life, ſubſiſtence is precarious, for it depends on contingent ſupplies by hunting and fiſhing. If every individual, therefore, ſhould depend ſolely on his own good luck, and fail of ſucceſs, his family muſt ſtarve. But in a community of twelve, the probability that ſome one would procure proviſions is increaſed as twelve to one. Hence the community of proviſions among moſt ſavage nations.†

The Britons, when the Romans firſt viſited their iſland, did not attend much to the cultivation of the earth. "Interiores plerique," ſays Cæſar, "frumenta non

* Uxores habent deni, duodenique inter ſe communes; et maxime fratres cum fratribus, et parentes cum liberis. Sed ſi qui ſunt ex his nati; eorum habenter liberi a quibus primum virgines quæque ductæ ſunt.——*Cæſar de bell. Gall. Lib.* 5.

† Let an individual depend ſolely on his own exertions for food, and a ſingle failure of crops ſubjects him to a famin. Let a populous country depend ſolely on its own produce, and the probability of a famine is diminiſhed; yet is ſtill poſſible. But a commercial intercourſe between all nations, multiplies the chances of ſubſiſtence, and reduces the matter to a certainty. China, a well peopled country, is ſubject to a famin merely for want of a free commerce.

non ſerunt, ſed lacte et carne vivunt." By eſtabliſhing a community of goods, they ſecured themſelves againſt the hazard of want; and by a community of wives and offspring, they confirmed the obligations of each to ſuperintend the whole; or rather, changed into a natural obligation what might otherwiſe depend on the feebler force of poſitiv compact. Beſides, it is very poſſible that perſonal ſafety from the invaſion of tribes or individuals, might be another motiv for eſtabliſhing theſe ſingular communities. At any rate, we muſt ſuppoſe that the Britons had good civil or political reaſons for this cuſtom; for even ſavages do not act without reaſon. And if they found ſociety more ſafe and happy, with ſuch a cuſtom than without it, it was moſt undoubtedly right.

Should it be ſaid, that a community is prohibited by divine command; I would anſwer that it is not preſumable that the old Britons had any poſitiv revelation; and I do not know that the law of nature will decide againſt their practice. The commands given to the Jews were poſitiv injunctions; but they by no means extend to all nations, farther than as they are founded on *immutable principles* of right and wrong in all ſocieties. Many of the Moſaic precepts are of this kind; they are unlimited in their extent, becauſe they ſtand on principles which are unlimited in their operation.

Adultery is forbidden in the Jewiſh laws; and ſo it is in the codes of other nations. But adultery may be defined differently by different nations; and the criminality of it depends on the particular poſitiv inſtitutions, or accidental circumſtances of a nation. The ſame reaſons that would render a ſimilar cuſtom in civilized modern nations highly criminal, might render it innocent and even neceſſary among the old Britons. A prohibition to gather ſticks on the Sabbath, under a penalty of death for diſobedience, might be founded on good reaſons among the ancient Jews; but it would be hard to prove that a modern law of the ſame kind, would be warrantable in any nation.

No.

No. XXI.

NEW YORK, JUNE, 1788.

A LETTER *from a* LADY, *with* REMARKS.

SIR,

AS you have, in your writings, diſcovered that you take a particular intereſt in the happineſs of ladies, I hope you will not deem it a deviation from delicacy, if one of them offers you her grateful acknowlegements, and requeſts you to giv your ſentiments upon what will be here related.

About four years ago, I was viſited by a gentleman who profeſſed an unalterable attachment for me. He being a genteel, ſenſible and handſome man, I thought myſelf juſtifiable in treating him with complacency. After I was convinced by his conſtant attention and frequent profeſſions, that I was a favorite, he uſed frequently to upbraid me, for being ſo ſilent and reſerved: It ſhewed, he ſaid, a want of confidence in him; for I muſt be ſenſible he derived the greateſt pleaſure imaginable in my converſation, and why would I then deprive him of the greateſt happineſs by abſenting myſelf, when he paid a viſit, refuſing to chat with my uſual freedom. Tho he profeſſed himſelf to be an admirer of candor, and a ſtrict adherer to the rules of honor, ſtill I could not but doubt his ſincerity from the extravagance of his expreſſions. This he conſidered as an affront, ſaying that no man of *honor* would expreſs ſentiments that were not genuine. I found myſelf unwilling to ſay any thing that ſhould be diſagreeable, and diſpoſed to make him underſtand by an attention that I ſuppoſed him entitled to, that he was prefered to any other perſon. He continued his viſits in this manner for about eighteen months, conducting himſelf with the greateſt delicacy, affection and reſpect. During this time, he never

never expreſſed a wiſh to be united, which made me uneaſy, as I knew that all my friends thought us engaged. At laſt I told him his attention was too particular; I knew not what conſtruction to put upon it. He replied that I was too particular in my ideas; it was a convincing proof to him, with my reſenting *trifling liberties*, that I had not an affection for him, and that he was not the man I wiſhed to be connected with; therefore he would not trouble me any longer with his company, and wiſhed me a good night.

This, Sir, you muſt ſuppoſe, diſtreſſed me greatly. I viewed myſelf injured and trifled with, but knew not how to obtain redreſs. My attachment and pride were ſo great that I would not allow my friends to call him to an account for his behavior; tho I now deſpiſe his conduct, and would refuſe him the hand of which he has proved himſelf unworthy, ſtill I feel hurt at the treatment I have received. You, Sir, as a friend to our ſex, and one who wiſhes to preſerve the peace of mind of unſuſpecting girls, will do them an eſſential ſervice, by your animadverſions on theſe facts, and guarding our ſex from ſimilar impoſitions.

Theſe circumſtances would not have been related, were I not rendered diſcontented and wretched at home, in conſequence of refuſing the offers of three other gentlemen; either of whom would doubtleſs have been acceptable, had not my affections been preengaged to one who has proved himſelf worthleſs. Their characters and ſituations in life are equal to my wiſhes; but I cannot do them ſo much injuſtice and myſelf ſo much injury, as to giv my hand unaccompanied with my heart. In conſulting my own inclinations I have incurred the diſpleaſure of all my family; they treat me with great inattention, and are continually reflecting on my want of ſpirit and reſolution. I am confident, Sir, that every generous mind will pity your unhappy and diſtreſſed friend,

CONSTANTIA.

To

To CONSTANTIA.

WHILE I acknowlege myſelf honored by your correſpondence, and happy in an opportunity of rendering you or your ſex the leaſt ſervice, permit me, in compliance with your requeſt, which ſhall be to me a ſacred law, to offer my ſentiments with a frankneſs, correſponding with that which marks the relation of your misfortunes. For altho I feel the warmeſt indignation at every ſpecies of deception, and particularly at that long continued inexplicitneſs which is *deliberate deception*, and which is the cauſe of your wretchedneſs, candor and truth require that cenſure ſhould fall where it is due.

If the ſlighteſt blame can fall on you, it is that you indulged the viſits of a gentleman for *eighteen months without an explicit and honorable declaration of his intention*. A *delicate*, *affectionate* and *reſpectful* attention to a lady, for one quarter of that period, is ſufficient to make an impreſſion on her mind, and decide her choice: At the ſame time, it might not render an attachment on her part, ſo ſtrong as to make a ſeparation very painful; it might not giv the world an opinion that an engagement exiſts, or ſubject the lady to the neceſſity of diſmiſſing other ſuitors. It is therefore prudent at leaſt for a lady to conduct herſelf in ſuch a manner as to bring her admirer to an explicit declaration of his deſigns. A man of *real honor* and principle would not wait for a ſtratagem on the part of the lady, or for a frank demand of an explanation of his conduct. A tolerable acquaintance with the human heart would enable him to diſcover when a declaration would be *agreeable* to the lady, and after this diſcovery, he would not keep her a moment in ſuſpenſe. A man of generous feelings, who has a lively attachment, looks with anxiety for ſome proof that his addreſſes are agreeable, and that a declaration of his intentions will be well received. No ſooner does he find this proof, than he haſtens to unboſom himſelf to the dear object of his wiſhes,

and communicate the happineſs he ſo ardently deſires to receive. When therefore a man neglects ſuch a declaration, after he has had convincing proofs that his offers would be well received, it may and ſhould be taken for granted that his intentions are not honorable, and the lady ſhould treat him accordingly. If therefore, my unhappy friend, you deſerve the leaſt degree of cenſure, it is becauſe you delayed too long to take meaſures for undeceiving yourſelf. Yet this delay is a proof of your unſuſpecting confidence and ſincere attachment; and faults, proceeding from ſuch amiable cauſes, are almoſt changed to virtues; in your ſex, they entitle the ſufferer to forgiveneſs and to love.

You inform me, Conſtantia, that the man who has injured you, profeſſed to *adhere to the rules of honor*. Never, Conſtantia, truſt a man who deals largely in that hackeyned virtue, *honor*. *Honor*, in the faſhionable ſenſe of the word, is but another name for *villany*. The *man of honor* would not be guilty of the leaſt impropriety in public company; he would not for the world neglect the leaſt punctilio of the cuſtomary etiquette, but he would, without heſitation or remorſe, blow out the brains of a friend, for treading on his toe, or rob an amiable woman of her reputation and happineſs to gratify his vanity.

If a man talks too much of his *honor*, he is to be avoided, like the midnight ruffian. He that really poſſeſſes a virtue never boaſts of it, for he does not ſuſpect the world think him deſtitute of it. Numerous profeſſions are commonly mere ſubſtitutes for what is profeſſed.

The man, who has given you ſo much uneaſineſs, never deſerved the confidence he won; he muſt be deſtitute of principle, of virtue, and of attachment to you. His deliberate ill uſage proves him to be callous to every tender emotion, and to deſerve your contempt. Will not a generous pride and deteſtation expel the leaſt ſentiment of reſpect for him from your breaſt? Can you not forget that you have been miſled, and will not your innocence buoy you above misfortunes? That

you

you have refuſed good offers, is to be regretted; but your friends, if they know the reaſon, as they ought, will not pain you by diſingenuous reflections. On the other hand, they will aſſiſt you in finding objects to amuſe you and diſſipate your own melancholy reflections. Smile away the anxiety that ſhuts your heart againſt other impreſſions. Baſe as men are, there may be ſome found who deſpiſe the character of him who has given even an hour's pain; there may be one who knows *your* worth, and may be diſpoſed to reward your *conſtancy*.

It is a mortifying reflection to an honeſt mind, that *bad* hearts are ſo often ſuffered to giv pain to the *good*; that the *trifling* and the *baſe* of our ſex are not conſtrained, by neceſſity, to aſſociate only with the *trifling* and the *baſe* of yours, and that the good, the generous and the conſtant ſhould be expoſed to the abuſes of the fickle and deſigning. But ſuch is the conſtitution of ſociety, and for the evils of it, we have no remedy, but cautious circumſpection to prevent, or patient fortitude to ſupport the adverſe events of our conditions.

No man can entertain a more cordial deteſtation of the ſmalleſt diſpoſition to annoy the peace of mind and diſturb the tranquillity of mankind, than myſelf; the deſign of exiſtence here is to ſooth the evils, and multiply the felicities of each other, and he muſt be a villain indeed, who can deliberately attempt to poiſon the ſources of pleaſure, by croſſing and diſappointing the ſocial paſſions.

To your ſex, Conſtantia, permit me to giv a word of caution; never to make any inquiries about a man's family, fortune or accompliſhments, till you know whether he is a man of *principle*. By *principle*, I mean, a diſpoſition of heart to conduct with ſtrict propriety, both as a moral being and as a member of civil ſociety; that is, a diſpoſition to increaſe the happineſs of all around him. If he appears to wiſh for his own gratification, at the expenſe even of a ſervant's happineſs, he is an unſocial being, he is not a fit aſſociate for men, much leſs for amiable women. If he is a man of

principle, then proceed to inquire into his ſtandin
life. *With* principle he may make a woman hap
almoſt any circumſtances; *without* it, *birth*, *fortun*
education ſerve but to render his worthleſſneſs the
conſpicuous. With ſentiments of eſteem, I am
obliged friend, and humble ſervant,

N

No. XXII.

NEW YORK, JULY, 1788.

A LETTER *to the* AUTHOR, *with* REMARKS.

SIR,

I BEG leave to relate to you a few circumſtances reſpecting the conduct of a young friend of mine in this city, and to requeſt your own remarks and advice on the occaſion. Should any other perſon ſimilarly ſituated, be diſpoſed to receive benefit from the advice, I ſhall be much gratified, and my deſign more than anſwered.

This young friend to whom I allude, has been till within a few years, under the watchful eyes of very attentiv parents; from whom he received much better advice and much more of it, than the generality of parents in this city are wont to beſtow on their children; they taught him to regard truth with a ſteady attachment; in ſhort his education, till their deaths, was ſuch as might with propriety have been called rigidly virtuous. Since that inſtructiv period, he has been under the guidance of no one but himſelf; his former aſſociates with whom he grew up, and for whom he ſtill feels a degree of ſchoolmate attachment, are almoſt univerſally debauched characters. The force of example is great, and let it be mentioned to his honor, that in general he has had ſufficient virtue to reſiſt their importunities, and to follow a line of conduct directly contrary to the one they would gladly have marked out for his purſuance. He poſſeſſes many of the ſocial virtues, and is warmly attached to the amiable part of the female world. This attachment has preſerved him from the faſhionable vices of the age, and given him a reliſh for domeſtic happineſs, which I think he will never loſe. A young gentleman ſo capable of making

himſelf

himſelf agreeable to good and virtuous characters, ought not, in my opinion, to indulge himſelf in any practices, that ſhall tend in the leaſt to depreciate his general merit. The practices I would mention, are few and not very conſiderable; ſtill I think he ſhould diſmiſs them entirely, or at leaſt not indulge them to his diſadvantage. He ſings a *good ſong*, and he knows it tolerably well; he is often urged into company on that account; he can make himſelf agreeable withal, and is really a *muſical companion*; he pays ſo much attention to *learning* and *ſinging ſongs*, that he has but little leiſure time on his hands; he reads part of the day, but he reads principally *novels* or *ſong books*. I would not be underſtood to conſider *ſinging ſongs* as criminal; far from it; I am often delighted with a ſong from him; but the query with me is, whether he ought not to devote part of the time which he now employs about what may be called genteel trifling, to the improvement of his mind in a manner that may be of laſting benefit to him; I wiſh you to giv him your advice, and direct him what books to read. He has another *fault*, which, altho it originates in the benevolence of his diſpoſition, may ſtill be called a fault. He has a very ſuſceptible heart, and opens it with a generous freedom, ſo much ſo that he ſometimes forgets himſelf, and opens it where he ought not to do. A ſtranger with a ſpecious outſide might eaſily impoſe on him. I juſt throw out theſe hints, that he may be on his guard againſt thoſe whoſe buſineſs it is to deceive. There are ſeveral ſmaller faults dependant upon, or rather conſequent to, thoſe I have mentioned, which I at firſt intended to have enumerated, but if the firſt are amended, the others will forſake him of courſe.

The ANSWER.

SIR,

BY the deſcription you have given of your young friend, it appears that he is rather *trifling* and *inconſiderate* than *profligate*. His faults are, *his ſpending too much*

much time in learning and ſinging ſongs; and too *much frankneſs of heart*, which expoſes him to impoſitions. But you have not, Sir, informed me whether he was *bred to buſineſs*; and by his character, I judge that he was not. He has had good precepts indeed; but of how little weight are precepts to young people! Advice to the young ſometimes does good; but perhaps never, except good habits have been previouſly formed by correct diſcipline in manners, or by a mechanical attention to honeſt employments. The truth is, advice or ſerious council is commonly laviſhed where it does no good, upon the young, the gay, the thoughtleſs; whoſe paſſions are ſtrong, before reaſon begins to have the ſmalleſt influence. I am young myſelf, but from the obſervations I have hitherto made, I venture to affirm, that grave advice never yet conquered a paſſion, and rarely has reſtrained one ſo as to render a ſprightly youth, in any degree ſerious. How ſhould it? Inſtructions are tranſient; they ſeldom touch the heart, and they generally oppoſe paſſions that are vigorous, and which are inceſſantly urging for indulgence.

I have ever thought that advice to the young, unaccompanied by the routine of honeſt employments, is like an attempt to make a ſhrub grow in a certain direction, by blowing it with a bellows. The way to regulate the growth of a vegetable is to *confine* it to the propoſed direction. The only effectual method perhaps is to keep young perſons from childhood buſy in ſome employment of uſe and reputation. It is very immaterial what that employment is; the mind will grow in the direction given it at firſt; it will bend and attach itſelf to the buſineſs, and will not eaſily loſe that bent or attachment afterwards: The mind *will* attach itſelf to ſomething; its natural diſpoſition is to pleaſure and amuſement. This diſpoſition may be changed or overcome by keeping the mind, from early life, buſy in ſome uſeful occupation, and perhaps by *nothing elſe*. Advice will not produce the effect.

I ſuſpect, Sir, that your young friend has been bred a trifler; that he has had money to ſupport him without

out the labor of acquiring it; that he has never been anxious about his future ſubſiſtence. If ſo, his education muſt be pronounced erroneous. Whether worth twenty pounds or twenty thouſand, it ſhould make no difference in his attention to buſineſs while young. We are the creatures of habit; a habit of *acquiring* property ſhould always precede the *uſe* of it, otherwiſe it will not be uſed with credit and advantage. Beſides, buſineſs is almoſt the only ſecurity we have for moral rectitude and for conſequence in ſociety. It keeps a young perſon out of vicious company; it operates as a conſtant check upon the paſſions, and while it does not deſtroy them, it reſtrains their intemperance; it ſtrengthens the mind by exerciſe, and puts a young perſon upon exerting his reaſoning faculties. In ſhort, a man bred to buſineſs loves ſociety, and feels the importance of the principles that ſupport it. On the other hand, mankind reſpect him; and whatever your young friend may think of the aſſertion, it is true that the ladies uniformly deſpiſe a man who is always dangling at their apron ſtrings, and whoſe principal excellence conſiſts in ſinging a good ſong.

If, Sir, your friend is ſtill ſo young, as to undergo the diſcipline of a profeſſional or other employment, his habits of trifling may be changed by this means; but if he is ſo far the gentleman as to diſdain buſineſs, his friends have only to whiſtle advice in his ears, and wait till old age, experience, and the death of his paſſions, ſhall change the man.

Accept of my thanks, Sir, for this communication, and be aſſured that my opinion on any ſubject of this kind will always be at your ſervice. E.

No. XXIII.

BOSTON, MARCH, 1789.

An ENQUIRY *into the* ORIGIN *of the* WORDS DOMESDAY, PARISH, PARLIAMENT, PEER, BARON; *with* REMARKS, NEW *and* INTERESTING.

IN the courſe of my etymological inveſtigations, I hav been led to ſuſpect that all the writers on the laws and conſtitution of England, hav miſtaken the origin and primitiv ſignification of ſeveral words of high antiquity, and in conſequence of the miſtake, hav adopted ſome erroneous opinions, reſpecting the hiſtory of parliaments and trial by peers. Whether my own opinions are wel ſupported by hiſtory and etymology, muſt be hereafter decided by able and impartial judges of this ſubject.

Dome book, or *domeſday book*, iz a word wel underſtood by Engliſh lawyers. *Dome book*, or *dom hec*, az it waz formerly ſpelt, waz the name given to the Saxon code of laws compiled by Alfred. Some other codes of local cuſtoms or laws were alſo denominated *dom becs*, but theze are all loſt. After the conqueſt, a general ſurvey of all the lands in England, except a few counties, waz made by order of William, and recorded in a volum which iz ſtil extant, and called *domeſday*. This ſurvey waz begun by five juſtices aſſigned for the purpoſe in each county, in the year 1081 and completed 1086.

Our pious anceſtors were not a little frightened at the name of this book, which iz uſualy pronounced *doomſday*; ſuppoſing it to hav ſome reference to the final doom, or day of judgement. In order to quiet ſuch apprehenſions, lawyers of leſs credulity undertook to refute the common opinion. Jacob, after Cowel, very gravely aſſerts, that the termination *day* in this word does not allude to the general judgement. "The addition

addition of *day* to this dome book, waz not ment with any alluſion to the final day of judgement, az *moſt perſons hav conceived*, but waz to ſtrengthen and confirm it, and ſignifieth the judicial deciſiv record, or book of *dooming* judgement and juſtice."* The ſame author defines *domeſmen* to be *judges*, or men appointed to *doom*.

Cowel, a compiler of conſiderable authority, ſays, "day or dey," (for *dey* iz the true ſpelling) "does not augment the ſenſe, but only doubles and confirms the ſame meening. It does not, in this compoſition, really ſignify the meſure of time, but the adminiſtration of juſtice; ſo that *domeſday* iz more emphatically the judicial deciſiv record, the book of *dooming* judgement."† According to this author, then, *domeſday* iz *a judgement of judgements*, for he quotes Dr. Hammond to proov that *day*, *dies*, ημερα, in all idioms, ſignifies judgement. However tru this may be, I beleev our Saxon forefathers could find a better name for a code of laws, than *a judgement of judgements*.

"*Domeſday*," ſays Coke, "dies judicii," day of judgement.‡ Such is the influence of ſounds upon credulous, ſuperſtitious minds.

The truth ſeems to be this; *domeſday* is a compound of *dom*, judgement, decree or authority; and *dey*, a law or rule.§ Or *domes*, in the plural, may ſignify *judges*. The name of the book then will ſignify, either *the rules of judging*, or *deciding*, in queſtions relating to the real property of England; or what is more probable, *the rules and determinations of the judges* who ſurveyed the lands in the kingdom.

That *dom* had the ſignification here explained iz capable of proof. The homager's oath, in the black book of Hereford, fol. 46, ends thus, "So helpe me God at his

* *Jacob Dict.* word, *domeſday*. † Cowel Dict. *Dayſman*.

‡ Coke Litt. 3. 248.

§ It iz ſingular that the laſt ſyllable of this word *domeſday*, ſhould hav been miſtaken for *day*, a portion of time; for the latter in Saxon waz written *daeg* and *daegum*, az in the Saxon verſion of the Geſpels; whereaz the termination of *domeſday* waz formerly, and ought now to be, ſpelt *dey*.

his holy *dome* (judgement) and by my trowthe," (troth, that is truth.)* This explanation coincides with the meening of the ſame ſyllable in other languages, and confirms the hypotheſis of the common origin of the languages of Europe, laid down in the Notes to my Diſſertations on the Engliſh Tung. We ſee the ſyllable in the Greek δαμαω, the Latin *dominus*, (domo) and in the Engliſh word *tame*; az alſo in *doom*, *deem*, king *dom*.† In all theze words we obſerve one primitiv and ſeveral derivativ ſignifications. Its primitiv ſenſe is that of power or authority, az in Greek and Latin. In Engliſh, it ſtands for juriſdiction, a judge, or a ſentence. In *deem*, it denotes the act of the mind in judging, or forming its determinations.

The other ſyllable *dey* iz probably the ſame word az *ley*, law, with a different prepoſitiv article; for etymologiſts tel us, that the radical ſyllable waz often found in the muther tung *ey*. Cowel informs us it waz not *dey*, but *dey*; and another author writes it *d'ey*. The word *deyſman*, or az it ought to be ſpelt *deyſman*, ſtil uſed both in England and America, is compoſed of *dey* and *man*, and ſignifies an arbitrator or judge, appointed to reconcile differences. In this country I hav often heerd it applied to our Savior, az mediator between God and man.

The ancient lawyers tranſlate the Saxon *dom bec* and *domeſdey* by *liber judicialis*; words which ſeem not to convey the ful meening of the original. I ſhould tranſlate them, *liber judicum*, the Judges book; or *lex judicum*, the Judges law or rule.

The old Saxon word *ley*, before mentioned, waz, in different dialects, or at different periods, written *ley*, *lah*, *lage*, *laga*: It iz doubtleſs from the ſame root az the Latin *lex*, *lege*; and it is remarkable, that the ſame word anciently ſignified *people*; and from this are derived

* Cowel, Law Dict. *dome*.

† In ſome words *dom* is ſubſtituted for the ancient termination *rick*; and in one ſenſe, it iz equivalent to *rick*, which implies juriſdiction or power. *King rick* waz uſed az late az Queen Elizabeth: *Biſhop-rick* iz ſtil uſed, denoting the territory or juriſdiction of a biſhop.

rived *lay* and *laity*, the peeple as oppoſed to the *clergy*.* It iz probable that the primitiv ſenſe of the word, in remote antiquity, waz *people*; and az the peeple made the laws in general aſſembly, ſo their orders or decrees came to be called by the ſame name. This conjecture iz not groundleſs, and is no trifling proof of the ancient freedom of our Gothic anceſtors. Tacitus ſays expreſsly of the Germans, "De minoribus rebus principes conſultant; de majoribus *omnes*." De Mor Germ. 11. The princes deliberate upon ſmall matters, or perhaps decide private controverſes of ſmall moment; but laws of general concern are enacted in an aſſembly of all the peeple.

The origin of *Pariſhes* haz puzzled all the lawyers and antiquaries of the Engliſh nation. Johnſon, after his uſual manner, recurs to the Greek, and derives the word from παροικια, accolarum conventus, an aſſemblage or collection of peeple in a naborhood. Others content themſelves with deriving it from the Latin *parochia* or French *paroiſſe*. Theſe etymologies do not ſatisfy me. It is improbable that our anceſtors went to the Greek for names of places or diviſions of territory, that exiſted in England az erly az the Heptarchy; eſpecially az the Greek word before mentioned waz never uſed in the ſenſe of *pariſh*. *Parochia* cannot be the origin of pariſh; for it waz not a Roman word; on the other hand, it is merely a Gothic or Saxon word latinized by the erly writers on law; and to derive *pariſh* from the French *paroiſſe* is trifling; for we might as well derive *paroiſſe* from *pariſh*, which iz at leeſt az ancient.

"It iz uncertain at what time England waz divided into pariſhes," ſay moſt of the law writers. Camden, in hiz Britannia, page 104, ſays, the kingdom waz firſt divided into pariſhes by Honorius, archbiſhop of Canterbury, in 636. This opinion iz controverted.

Sir

* Johnſon derives *lay* from the Greek λαος; as he does all other words which hav ſome reſemblance to Greek words in ſound or ſignification. I beleev the Saxon or Gothic original and the Greek may be the ſame, and of equal antiquity.

Sir Henry Hobart thinks pariſhes were erected by the council of Lateran, in 1179. Selden, followed by Blackſtone, ſuppoſes both to be rong, and ſhows that the clergy lived in common, without any diſtinction of pariſhes, long after the time mentioned by Camden; and it appeers by the Saxon laws, that pariſhes were known long before the council of Lateran.*

The truth probably iz, the kingdom was not divided into pariſhes at any one time, but the original eccleſiaſtical diviſion grew, in a great meaſure, out of a prior civil diviſion. *Pariſh* iz the moſt ancient diviſion of the eccleſiaſtical ſtate, and originally denoted the *juriſdiction of a biſhop*, or what iz now called a *dioceſe*. For this opinion, we hav the authority of the Saxon laws and charters. "Ego Cealwulfus, dei gratia rex Merciorum, rogatus a Werfritho, Epiſcopo Hwicciorum, iſtam libertatem donavi, ut *tota parochia Hwiccio-rum* a paſtu equorum, regis et eorum qui eos ducunt, libera ſit, &c." Charta Cealwulfi regis, Anno 872. "Epiſcopus, congregatis omnibus clericis totius *parochiæ*, &c." in a paſſage quoted by Cowel tit. *pariſh*. Here the *biſhoprick* iz explicitly called a *pariſh*, parochia; and Blackſtone remarks, "it is agreed on all hands, that in the erly ages of chriſtianity in this iſland, pariſhes were unknown, or at leeſt ſignified the ſame az a *dioceſe* does now." Com. Vol. I. 112.

This, being a ſettled point, wil perhaps furniſh a clue by which we may find the true origin of the word and of the diviſion.

It iz certain that there waz an ancient word among the Gothic nations, and probably among the Celtic, which ſignified originally *a man*, afterwards a freeman, or landholder, in oppoſition to that claſs of men who had no real property. This word waz ſpelt by the Romans *vir*, and ſignified *a man*, by way of eminence, az diſtinguiſhed from *homo*; az alſo a huſband or houſeholder. It anſwered to the ανηρ of the Greeks, az diſtinguiſhed from ανθρωπος, a word denoting the human race in general. The ſame word in the Gothic or ancient

* Blackſtone Com. vol. I. 112.

had cure of ſouls in two or more adjoining lordſhips; and it often happened that a lord had much waſte land on hiz demeſne, which waz not comprehended in the original *pariſh*, and thus came, in later times, to be called *extraparochial*. But whatever particular exceptions there might be, the remark az a general one, will hold true, with reſpect to the original juriſdiction of a biſhop.

The number of counties in England iz at preſent forty, and that of the dioceſes, twenty four; but the number of counties haz been different at different times; and ſome changes, both in the civil and eccleſiaſtical ſtate, hav doubtleſs, in a courſe of a thouſand years, deſtroyed the primitiv diviſion. It iz however ſome proof of my hypotheſis, that moſt of the biſhops in England are ſtil called by the names of counties, or of cities which are ſhires of themſelves; az the biſhop of Durham, of Worceſter, of London, of Norwich, &c. or by the names of the cheef towns in counties; az biſhop of Wincheſter, of Chicheſter, &c.

Selden's account of the ancient diviſions of the kingdom, confirms this opinion. See Bacon's Selden, ch. 11. The province or juriſdiction of an archbiſhop, waz prior to the origin of dioceſſes or pariſhes. Selden haz given an account of a diviſion of dioceſſes by archbiſhop Theodore in the ſeventh century; by which it appears, that in ſome inſtances, a dioceſe or pariſh waz one ſhire or county; and in others, a parochia covered two, three, or more ſhires: But in almoſt every inſtance, the limits of a pariſh were the limits of a ſhire or ſhires. And however ſtrange the reader may think it, the word *church* and *ſhire* are radically the ſame. The Saxon word waz *cyrick* or *cyrk*;* and the Scotch pronounce and write it *kirk*. It iz, like *ſhire*, derived from the Saxon *Sciran*, cir, or *ſeyre*, to divide. The church or kirk waz the eccleſiaſtical diviſion, anſwering to *ſhire*, and come to ſignify the juriſdiction of the cathedral

* So it iz ſpelt in the Saxon laws; but its root waz probably *circe*, from *ſciran*, to divide. *C* before *i* and *e* was in Saxon pronounced *ch* or neerly; hence *circe* is *chirche*.

thedral church; the primaria eccleſia or mother church; and hence the Saxon term *cyrick ſceate*, church ſcot or fees, paid by the whole dioceſe.

In later times, the original *parochia* or dioceſe was divided or extended by the *Mickle-mote*, *Witenagemote* or national aſſembly, by advice of the biſhops, nobles, and cheef men.

From all I can collect reſpecting this ſubject, it appeers probable, that on the firſt converſion of the Saxons to chriſtianity, each *earle*, *earlederman*, or erl, whoze manor or juriſdiction waz the origin of a county, had hiz clergyman or chaplain to perform divine ſervice. Hiz reſidence waz probably in the vicinity of the erl; and this waz the origin of the *cathedral*, or mother church, *primaria eccleſia*, to which the tenants of the whole diſtrict or erldom afterwards paid tithes. On the firſt eſtabliſhment of theze churches, the tenants paid tithes where they choze; but fraud or delay on the part of the tenant, and the encreaſing power of the clergy, occaſioned a law of king Edgar, about the year 970, commanding all the tithes to be paid to the mother church, to which the pariſh belonged.* This muſt hav augmented the welth of the cathedral churches, and given them a ſuperior rank in the eccleſiaſtical ſtate.

Previous, however, to this period, the *thanes* or inferior lords, had their chaplains and private chapels; and it waz a rule, that if ſuch chapel had a conſecrated cemetery or burying ground belonging to it, the lord might appropriate one third of the tithes to the ſupport of hiz private chaplain. The clerks or biſhops who belonged to the cathedral churches, and were the officiating miniſters of the erls or princes, at that time the firſt ranks of noblemen, acquired an influence in proportion

* Blackſtone Com. vol. I, 112. That each ſhire had its biſhop, ſeems to be obvious from a law of Edgar, c. 5, where, reſpecting the county court, it iz ordered, "celeberrimo huic conventui epiſcopus et aldermannus interſunto;" not *unus epiſcoporum*, but *the biſhop* and *erl*.

proportion to their property and the extent of their juriſdictions. Hence the powers of modern biſhops in ſuperintending the clergy of their dioceſes. In later times, they acquired large tracts of land, ether by purchaſe, gift or deviſe, and in right of their *baronies* gained a ſeet among the lords of the kingdom in parliament.

The inferior clergy were multiplied in proportion az the peeple wanted or could ſupport them, and the juriſdiction of an earl's chaplain, being limited originally by his cure of ſouls, and being founded on a *partick* or territory of a lord, afterwards gave name to all the juriſdictions of the inferior clergy. Hence the name of *pariſh*, as denoting the extent of a parſon's* eccleſiaſtical authority.

The juriſdiction of a biſhop loſt the name of pariſh, parochia, at a very erly period; but ſtil the ſubordinate diviſions of the eccleſiaſtical ſtate continued to be regulated by prior civil diviſions. For this aſſertion, we hav an indiſputable authority, which confirms my opinion reſpecting the origin of pariſhes. "It ſeems pretty clear and certain," ſays the learned and elegant Blackſtone, Com. vol. I, 114, "that the boundaries of *pariſhes* were originally aſcertained by thoze of a *manor* or *manors*; ſince it very ſeldom happens that a manor extends itſelf over more pariſhes than one, tho there are often many manors in one pariſh." This iz the preſent ſtate of facts, for originally the pariſh, like the modern dioceſe, covered many manors, or eſtates of the inferior feudatories.

Parliament iz ſaid to be derived from the French, *parlement*, which iz compoſed of *parler*, to ſpeak, and *ment* or *mens*, mind. Cowel tit. *Parliament*.

"Parliament," ſays Johnſon, "parliamentum, law Latin; parlement, Freneh." Dict. fol. Edit.

* It

* *Parſon* iz ſaid, by Coke and others, to be derived from *perſona*, becauſe this officer repreſents the corporation or church, *vicem ſeu perſonam eccleſiæ gerere*. This reezon ſeems to be obſcure and unſatisfactory. It iz poſſible the word may proceed from the ſame root az *pariſh*, viz. *par*.

"It is called parliament," ſays Coke Litt. p. 110. Ed. Lond. 1778, "becauſe every member of that court ſhould ſincerely and diſcretely *parler le ment*," (ſpeek hiz mind) "for the general good of the commonwelth; which name it alſo hath in Scotland; and this name before the conqueſt waz uzed in the time of Edward the Confeſſor, William the Conqueror, &c. It waz anciently, before the conqueſt, called *michel-ſinath*,* *michel-gemote*; *ealla*, *witena-gemote*; that is to ſay, the great court or meeting of the king and all the wiſemen; ſometimes of the king, with the counſel of hiz biſhops, nobles and wiſeſt of hiz people. This court, the French men call *les eſtates*; or *l'aſſemble des eſtates*. In Germany it is called a diet. For thoze other courts in France that are called *parliaments*, they are but ordinary courts of juſtice, and az Paulus Jovius affirmeth, were firſt eſtabliſhed with us."

The late editor of Cokes Inſtitutes, remarks, in a note on this paſſage, that the latter part of this etymology iz juſtly exploded, and apologizes for hiz author by ſaying, "it iz to be found in preceding authors of eminence." He diſcards the *ment*, and conſiders it, not az an eſſential, but an adventitious part of the word; deeming it ſufficient to derive the word from *parler*, to ſpeak. This opinion he receives from Lambard.

Such a definition, with great deference to thezе venerable authorities, iz a diſgrace to etymology. Coke waz a great lawyer, and Johnſon a good Latin and Greek ſcholar; but neether of them waz verſed in the Teutonic language and inſtitutions, where alone we ſhould look for the origin of our laws and the Engliſh conſtitution. Johnſon indeed waz a mere compiler of other mens etymologies, and Cowel, Selden, Junius and others from whom he copied, tho deeply lerned, ſometimes fell into very whimſical miſtakes. I am bold to aſſert that the Engliſh derivation of *parliament*, or *parlement* from the French *parler*, haz no better authority

* Great ſynod—great meeting.

thority than a mere whim or notion of theze writers. We might az well derive *parler* from *parliament*, and both from a *parcel* of goſſips, becauſe they are loquacious.

The true etymology of the word iz *par*, or *bar*, a landholder or baron, and *le*, *mote*, the meeting. I ſay *mote*, for this waz the Saxon ſpelling of the word, after the prepoſitiv *ge* waz dropped. It waz originally *gemote*; az in *witena-gemote*; afterwards the *ge* waz diſuſed, az in *folk-mote*. What the original French orthography waz, I am not certain; but the word came to England from France, and we find the French article prefixed, *par-le-ment*; *a meeting of the barons*. The ſame ſound waz uſed in Germany, Burgundy, and other parts of Europe, and in all, it had the ſame meening, which it, in ſome meſure, retains in France to this day.

The *commune concilium* of England, before the conqueſt, conſiſted of the *witena*, or wiſe men. It retained the name of *witena-gemote*, til after the Norman invaſion. It iz perhaps impoſſible, at this diſtance of time, to aſcertain exactly the manner of ſummoning this national aſſembly, or whether the commons or leſſer nobility were entitled to a ſeet. In old charters, the king iz ſaid to hav paſſed laws by advice of the archbiſhops, biſhops, abbots, erls and wiſe men of the relm; ſeniorum ſapientium populi. But we are not able to determin whether theze ſeniores ſapientes were admitted on account of their age and wiſdom; or whether poſſeſſion of real eſtate waz a requiſit qualification. So much iz certain, that in France and Germany, where we firſt heer of *parliaments*, all the *barons*, that iz, all the nobility, were entitled to a ſeet in the national council, in right of their baronys; and this iz aſſerted to hav been the caſe in England.* This fact, ſo well atteſted in hiſtory az to be undeniable, ought long ago to hav led the critical enquirer to the true origin of the French word, parlement. The name of parliament took its riſe under the feudal ſyſtem, when the aſſembly of men, ſo called, conſiſted ſolely of barons or bars. It iz from this

* Stuarts Engliſh Conſtitution, p. 275.

this circumſtance that the provincial aſſemblies of France are properly denominated *parliaments*. The erly Norman princes, who introduced the name into England, ſummoned none to their counsil but the clergy and nobility, and ſometimes a few only of the greater barons. The houſe of lords iz ſtrictly a *parliament*, according to the original of the word, altho ſince the commons hav made a part of the legiſlature, the name iz extended to the whole body.

The word *peer* iz ſaid to be derived from the Latin *par* equal; and this circumſtance haz been the occaſion of innumerable encomiums on the Engliſh *trial by peers*. So far az equality in the condition of judges and parties, iz an excellence in any judicial ſyſtem, the preſent practice of trial by jury iz eſteemable among a free people; for whatever may be the origin of the word *peer*, a trial by men of the naborhood may often proov a capital ſecurity againſt a court devoted to party. But it iz at leaſt doubtful whether *peers*, az uſed for jurors, came from the Latin *par*; for it iz almoſt certain that the word *peer*, az uſed for nobles, iz derived from the German *par*, a landholder, and this iz undoubtedly the tru primitiv ſenſe of the word. That there waz ſuch a word in ancient Germany, iz unqueſtionable; and *paramount*, which ſignifies the lord of higheſt rank, iz from the ſame root; *par-amount*, the *par* or *baron above* the reſt. The juriſts on the continent latinized the word, calling the lords *pares*; and this, in later ages, waz miſtaken for the plural of the Latin *par*.

Az the pares or barons claimed almoſt excluſiv juriſdiction over their manors, and held courts of juſtice, ether in perſon or by their bailiffs, they came to be conſidered az the ſupreme judges in the laſt reſort of all civil and criminal cauſes. *Pares* or *barons* became equivalent to *judges*. Hence the *houſe of peers* in England iz the ſupreme judicatory of the nation. Hence the *parliaments* (meetings of peers) in France are ſupreme courts of juſtice.

Twelv waz a favorit number with our Saxon anceſtors, and the king, or lord paramount, with twelv judges,

judges, conſtituted the ſupreme court or council among the ancient Germans. It will hardly be conſidered a digreſſion to examin this inſtitution with more attention; for if I miſtake not, the rudiments of it are viſible az far back az the Chriſtian era; or even az the Gothic migrations to the weſt and north of Europe.

In the Edda, or ſyſtem of Gothic mythology, compiled by Snorro Sturleſon, ſupreme judge of Iceland, about the year 1220, we may diſcern the principles which would naturally giv riſe to the practice of trial by *twelv men*. The Edda will indeed be ſaid to be a collection of fables. To this I anſwer, fable iz generally, perhaps always, founded on fact; whatever additions may be made in a courſe of time by imperfect tradition. The Edda iz acknowledged to contain an authentic account of the opinions of the northern nations at the time it waz written. This iz all I aſk.

Snorro, and Torfæus the hiſtorian of the north, inform us that even in Scythia, "Odin, the ſupreme god of the Goths, performed the functions of cheef preeſt, aſſiſted by *twelv pontiffs, who diſtributed juſtice.*"*

Let us attend to a fact confirming the account. Mallet, a hiſtorian of credit, teſtifies that the hall or ſeet of juſtice, my be ſtil ſeen in different parts of Sweden and Denmark. "Theze monuments, whoze rude bulk haz preſerved them from the ravages of time, are only vaſt

* Mallets North. Antiq. Vol. I. 61. The northern nations had, like the Greeks, *twelv* principal deities, and this article in their religious beleef might originate the inſtitution of *twelv preeſts, twelv judges*, &c. Many civil inſtitutions among rude nations, may be traced to their religious opinions; and perhaps the preference given to the number *twelv*, in Germany, in Greece, and in Judea, had its origin in ſome circumſtances az ancient az the race of the Jews.

Odin, which in Anglo Saxon, waz *Woden*, waz the ſupreme god of the Goths, anſwering to the Jupiter of the Greeks; And it iz remarkable that the words, *god, good, odin* and *woden*, all ſprung from one ſource. We ſhall not be ſurprized that the ſame word ſhould begin with ſuch different letters, when we reflect that ſuch changes are very common. The Danes omit *w* in *word*; a dictionary they call *ord-bog*, a word book; and the Spaniards, in attempting to pronounce *w*, always articulate *g*. See my Diſſertations, p. 335.

vaſt unhewn ſtones, commonly *twelv* in number, ſet upright, and placed in form of a circle. In the middle iz a ſtone, much larger than the reſt, on which they made a ſeet for their king. The other ſtones ſerved az a barrier to keep off the populace, and marked the place of thoze whom the peeple had appointed to make the election (of king.) They treeted alſo in the ſame place of the moſt important affairs."* There iz one neer Lunden,† in Scania, another at Leyra, in Zealand, and a third neer Viburg, in Jutland.

This being a well atteſted fact, we are diſpoſed to beleev what iz related in the Edda, Fable 7th, where it iz aſked, "what the univerſal father do when he bilt Aſgard, (the divine abode.") It iz anſwered, agreeable to the receeved opinion of the Goths, "he in the beginning eſtabliſhed governors, and ordered them to decide whatever differences ſhould arize among men, and to regulate the government in the plain, called Ida, wherein are *twelv* ſeets for themſelves, beſides the throne which iz occupied by the univerſal father."‡

On this paſſage, the tranſlator of Mallets Hiſtory haz the following note. "Theze judges were twelv in number. Waz this owing to there being twelv primary deities among the Gothic nations, az there were among the Greeks and Romans? This I ſhall not take upon me to decide; but I think one may plainly obſerve here the firſt traces of a cuſtom, which hath extended itſelf to a great many other things. Odin, the conqueror of the north, eſtabliſhed a ſupreme court in Sweden, compoſed of twelv members, to aſſiſt him in the functions of the preeſthood and government. This doubtleſs gave riſe to what waz afterwards called the ſenate. And the ſame eſtabliſhment in like manner took place in Denmark, Norway, and other northern States. Theze ſenators decided in the laſt appeal, all differences of importance; they were, if I may ſay ſo, the aſſeſſors of the prince; and were in number

* North. Antiq. Vol. I. 169.

† London, in England, probably had its name from this place.

‡ North. Antiq. Vol. II. 41.

number twelv, az we are expreſsly informed by Saxo, in hiz life of king Regner Lodbrog. Nor are other monuments wanting, which abundantly confirm this truth. We find in Zealand, in Sweden, neer Upſal, and if I am not miſtaken, in the county of Cornwal, large ſtones, to the number of twelv, ranged in the form of a circle, and in the midſt of them, one of a ſuperior height. Such in thoze rude ages, waz the hall of audience; the ſtones that formed the circumference, were the ſeets of the ſenators; that in the middle, the throne of the king. The like monuments are found alſo in Perſia, neer Tauris. Travellers frequently meet there with large circles of hewn ſtones; and the tradition of the country reports, that theze are the places where the *caous* or giants formerly held their councils.* I think one may diſcover veſtiges of this ancient cuſtom, in the fable of the *twelv peers* of France, and in the eſtabliſhment of twelv jurymen in England, who are the *proper judges*, according to the ancient laws of that country."

It iz certain that ſome outlines of this mode of deciding controverſies by *twelv*, may be ſeen in the cuſtoms of the Cimbri and Teutones, long before the Chriſtian era. But I cannot find that the idea of *equality* ever entered into the original inſtitution. On the other hand, every old authority that I hav conſulted confirms me in the opinion, that the *twelv men* were choſen from among the landholders or better claſſes of peeple; that they were the *judges* of the court, and that the diſtinction between judges and jury, law and fact, iz a refinement or improovment on the original conſtitution, and comparativly of modern date.

It iz certain that a difference of rank exiſted among the Germans in the time of Tacitus. "Reges ex nobilitate, duces ex virtute ſumunt."† The ſame writer expreſsly declares, that matters of inferior concern and private juſtice came within the juriſdiction of their *princes*. "De minoribus rebus principes conſultant, de majoribus,

* See Chardin's Travels, Vol. III.

† Tac. de Mor. Germ. c. 7.

majoribus, omnes."* In another paſſage, he is more explicit: "Principes jura per pagos vicoſque reddunt."† Ceſar iz ſtill more explicit: "Principes regionum atque pagorum inter ſuos jus dicunt, controverſiaſque minuunt."‡ Theze *principes regionum atque pagorum*, Blackſtone ſays, we may fairly conſtur to be lords of hundreds and manors;§ they were originally elective, az we are informed by Tacitus, "eliguntur in conciliis

* Tac. de Mor. Germ. c. 12.—† C. 12.——‡ De Bello Gallico. lib. VI. c. 21.

§ Com. Vol. III. 35. This cannot be ſtrictly true; for the *principes* were elective; and therefore could not hav owned the land (pagus) or exerciſed the office of judge in right of their property. The kings, princes, and generals of the ancient Germans were elected; ſome for their *nobility*, that iz, the reſpectability of their families, ariſing from the valor and merits of their anceſtors; others, az their *duces*, military commanders, were choſen for their *virtues*, their perſonal bravery. This I take to be the meening of that paſſage in Tacitus, "Reges ex nobilitate, duces ex virtute ſumunt."

"The *Comites ex plebe*," ſays Selden, chap. 18, "made one rank of freemen ſuperior to tha reſt in wiſdom." The Saxon nobles were called *adelingi*, or wel born; the freemen, *frilingi*, or free born; the latter might be aſſiſtants in the judicial department. The lower ranks were called *lazzi* or ſlaves; and indolence iz ſo neceſſary a conſequence of bondage, that this word *lazzi*, or *lazy*, haz become ſinonimous with *indolent*, *ſluggiſh*. This word iz a living national ſatire upon every ſpecies of ſlavery. But the effect of ſlavery iz not merely *indolence*; its natural tendency iz to produce *diſhoneſty*; "almoſt every ſlave, being, ſays Dr. Franklin, from the nature of hiz employment, a theef." Az a ſtriking proof of this, we may inſtance the change of meening in the words *villain* and *knave*, which at firſt denoted *tenant* and *plowman*, but during the oppreſſions of the feudal ſyſtem, come to ſignify, *a rogue*. *Vaſſal* alſo denoted originally, a *tenant* or *feudatory* of a ſuperior lord. It waz an honorable name, the barons being called the kings *vaſſals*. But ſervitude iz ſo natural a conſequence of the tenure of lands under a propietor, in fee, that *vaſſal* haz become ſinonimous with ſlave.* The change of meening in theze words

* Blackſtone, Vol. II. 52, ſays, "we now uze the word *vaſſal* opprobrioufly, az ſinonimous to ſlave or bondman, on *account of the prejudices we hav juſtly conceived againſt the doctrins grafted on the feudal ſyſtem*." So good a man ought not to hav uzed the word *prejudice*; and ſo great a man ought to hav aſſigned a better reezon for this *opprobriouſneſs* of the modern word *vaſſal*.

conciliis principis," and each had a hundred comites, or aſſiſtant judges, who were choſen from among the peeple. " Centeni ſingulis, explebe comites, concilium ſimul et auctoritas, adſunt."* Theze hundred aſſiſtants, or companions, were choſen *ex plebe*; but when choſen formed the *concilium principis*. The prince waz their preſident, choſen by themſelves, *eliguntur in conciliis principes*, and had *auctoritatem*, authority or juriſdiction in the town or diſtrict.

The idea of equality iz no where ſuggeſted; on the contrary; the hundredors when choſen became a court or legiſlature in the district, competent to the general purpoſes of government. No mention iz made of a diſtinction between the legiſlativ and judicial departments; on the other hand, we may ſafely conclude, from the paſſeges of Ceſar and Tacitus before quoted, that the powers of making laws and deciding cauſes were veſted in the ſame men. Ceſar ſays, " nullus eſt in pace communis magiſtratus," nor could the Germans, in their primitiv ſimple mode of living, need ſuch a magiſtrate. The princes *jus dicunt, controverſiaſque minuunt*, diſtributed juſtice, by the aſſiſtance of their *comites*, and according to the circumſtances of the peeple.† This at leeſt waz the caſe with reſpect to matters of ſmall magnitude.

The

words iz a volum of inſtruction to princes and legiſlators. Reduce men to bondage, and they hav no motiv but feer to keep them induſtrious and honeſt, and of courſe, moſt of them commence rogues and drones. Why hav not the tyrants of Europe diſcovered this truth? Good laws, and an equal diſtribution of the advantages and the rights of government, would generally be an effectual ſubſtitute for the bayonet and the gallows. Look thro Europe; wherever we ſee poverty and oppreſſion, there we find a nurſery of villains. A difference in the property, education and advantages, originates the difference of character, between the nobleman of niceſt honor, and the culprits that ſwing at Tyburn.

* De Mor. Germ. c. 13.

† The practice of chooſing aſſiſtant judges in the Roman commonwealth, waz ſomething ſimilar to our mode of impannelling a jury. Theze aſſiſtants were ſometimes a hundred, and

The number of *comites principis*, or aſſiſtants, waz originally a *hundred*. This gave name to the diſtrict which they governed, and which afterwards conſiſted of any indefinit number, ſtill retaining the primitiv name. In later ages, the number of aſſiſtant judges waz reduced; a grand jury ſtill conſiſts of twenty four; a petit jury commonly conſiſts of twelv, but on certain occaſions, and by the cuſtom of particular places in England, may be compoſed of ſixteen, eight or ſix.*

Such waz the conſtitution of the ancient Germans, in which we may diſcover the principles of the ſyſtem which they every where eſtabliſhed, after their conqueſts in Gaul, Spain, Italy and Britain.

Twelv waz a favorit number, not only with the Saxons, but with all the nations of northern original. They had twelv principal deities; they numbered the units up to *twelv*, inſtead of ſtopping at ten, like other nations;† they had twelv judges to aſſiſt their kings or princes; their hall for the election of their kings conſiſted of twelv huge ſtones, placed in a circle. Hence we diſcover the origin of the twelv ſenators of Sweden,‡ Denmark and Norway; the twelv counſellors of ſtate in ancient times; the fable, az it iz called, of the twelv peers in France; the twelv judges in England, and the

and it iz not improbable, the Roman and German cuſtoms of electing that number might be derived from the ſame original.

The Prætor, (cheef juſtice) or princeps judicum appointed by him, ſummoned a number of perſons, who were called *judices ſelecti*, ſelect judges. Theze were to giv their verdict in criminal matters, like our juries. On the day of trial, the firſt thing after opening the court, waz the *ſortitio judicum*, or impannelling of the jury, performed by the *judex quæſtionis* or cheef judge on the trial, who took by lot ſuch a number of the *judices ſelecti*, or jurymen, az the law, on which the accuſation waz founded, had determined. Liberty waz given to the parties to reject, (challenge) and the places of thoze rejected, were filled by new appointments.—*Kennetts Antiq. of Rome*, 138.

* See Coke Litt. and Hargraves notes on this ſubject.

† Mallets North. Antiquities.

‡ Mentioned in the preceding note, copied from Mallet.

the trial by twelv peers or jurors, which waz formerly common to all the northern nations of Europe.*

On the Gothic eſtabliſhments in the ſouth and weſt of Europe, government took a military complection. The kings parcelled out the conquered lands among their generals, called *duces* or *principes*, by the Latin writers; and by the Saxons, *heretoga*. The generals of firſt rank receeved or acquired whole provinces, az Burgundy, and the principalities of Germany. Theze territories they diſtributed among their inferior officers and *comites* or retainers, of whom every lord had great numbers about hiz perſon. Theze conſtituted a ſecondary, but very numerous claſs of nobility; and altho there might be differences of rank and property among them, they were called by one general appellation. In England, they were called *thanes*, from a word ſignifying *to ſerve*, becauſe they held their lands by the condition of military ſervice. On the continent, they were called *barons*, that is freemen, or tenants of land, upon condition of rendering certain military and honorable ſervice to their ſuperior lord, who waz called lord *paramount*.

Blackſtone remarks, that "a baron's iz the moſt general and *univerſal* title of nobility; for originally every one of the peers of ſuperior rank had alſo a barony annexed to hiz title."† The origin of this title haz occaſioned great enquiry among antiquaries; but the difficulty vaniſhes upon my hypotheſis, which derives the word from *bar*, a landholder and freeman; for on the eſtabliſhment of the feudal tenures, all the lands were held by a few men; the proprietors were all called *barons*, and this accounts for the *univerſality* of the title juſt mentioned. Thus the biſhops, after they had obtained gifts of large tracts of land or manors, reſigned them to the conqueror, William; accepted them again as ſubject

* Theſe facts gave riſe to Cokes quaint remarks, "that the law delighteth herſelf in the number of twelv;" and he adds, "the number of twelv iz much reſpected in holy writ; as 12 apoſtles, 12 ſtones, 12 tribes, &c." On juries, fol. 155.

† Com. Vol. I. 398.

ſubject to the conditions of lay fees, claimed rank with the nobility, and took their ſeets in the Engliſh houſe of lords. Actual poſſeſſion of a barony waz originally requiſit to conſtitute a lord of parliament; but the title iz now granted by the king without the poſſeſſion.

Blackſtone mentions the difficulty of tracing the word *baron* to its primitiv ſenſe; but confirms the foregoing explanation when he ſays, "the moſt probable opinion iz that *barons* were the ſame az our *lords of manors*."* The name indeed waz not uſed in England (ſo far as can be collected from Engliſh writers) till after the conqueſt. But it iz certain that the feudal ſyſtem, tho not in all its ſeverity, waz eſtabliſhed in England before that period; and degrees of nobility were cotemporary with the Saxon eſtabliſhments in the iſland. The firſt claſs were called in Saxon *heretoga*, that iz generals or military commanders. But the moſt ancient and perhaps the moſt important civil title waz that of *earles* or *ealdormen*. Theze erls were called alſo in Saxon *ſchiremen*, for they exerciſed ſupreme juriſdiction in the *ſhires*. After the conqueſt they were called by the correſponding Norman title *counts*, from *comites*, becauſe they were the king's companions in war; and their juriſdiction waz called a *county*.†

Inferior to theze in rank were the Saxon *thanes*, who were ſo called from the Saxon *thanian* miniſtrare, becauſe they were the *comites* or attendants of the ancient kings or earls. Theze were numerous, and after the conqueſt called by the equivalent continental title, *barons*. Of theze there were different ranks, *thani majores* or *thani regis*, who ſerved the king in places of high importance, and took rank next to the biſhops and abbots. Theze had inferior thanes under them, called *thani minores*, who were alſo *lords of manors*.‡ The word

* Com. Vol. I. 399.

† I am by no meens certain that this derivation of *counts* from *comites*, iz juſt; it iz at leeſt az probable az otherwiſe, that *contees* may be a Gothic word. But this iz conjecture.

‡ See Cowel on the word *thane*; and in Domeſday, "thanus, eſt tenens, qui eſt caput manerii."

word *peer* I ſuppoſe to be derived from the ſame root as *baron*, bar or par, and to be equivalent in ſenſe. It is cleer to me that *landholder*, or man by way of eminence, waz its original meening; and that it iz a proper name of the ancient nobility, given them az proprietors of vaſt tracts of land, and that it had no reference to *equality* of rank.

But there are better proofs of this point than that drawn from this ſuppoſed derivation. The true original ſignification of the word we hav in the phraſes, *houſe of peers*, *peers of the relm*, *peerage*. And for this aſſertion we hav the beſt authorities in the language. Cowel, from whom Johnſon and moſt modern lawyers have borrowed their definitions of law terms, after explaining the word *peer* az denoting jurors, ſays expreſsly, "but this word iz *moſt principally uſed for thoze that be of the nobility of the relm and lords of the parliament.*" Here the author haz mentioned a well ſupported fact, and quotes ancient authorities. But he immediately leevs fact, and runs into conjecture, az to the reezon of this appellation, which he deduces from a preconceeved, but probably erroneous, opinion. "The reezon whereof iz, that altho there be a diſtinction of degrees in our nobility, yet in all public actions they are equal; az in their votes of parliament, &c." Here the author takes it for granted that the word *peer* ſignifies *equal*, and aſſigns, az a cauſe of its *moſt principal* appropriation to the nobility, that the men, tho of different ranks, hav an *equal vote* in parliament. This a curious reaſon indeed! A man muſt be more credulous than I am, to beleev this ſlight circumſtance would giv riſe to ſuch a particular appropriation of a name. One would think that the ſame reezon would hav given the name to the clergy in convocation and other eccleſiaſtical courts. Yet the learned and candid Blackſtone haz copied the ſame reezon. "The commonalty, like the nobility, are divided into ſeveral degrees; and, az the lords, tho different in rank, yet all them are *peers* in reſpect of their nobility; ſo the commoners, tho ſome are greatly ſuperior to others, yet all are in law *peers*, in

reſpect

reſpect of their *want* of *nobility*."* This appeers very extraordinary, that an *equality of ſuffrage* ſhould giv an appellation in preference to *difference of rank*, which iz ſo much more obvious and more flattering to the haughty barons. But if the commoners are *peers* or *equals in ſuffrage* az well az the lords; that iz, on the *ſame principle*; or as Blackſtone ſtates it, if the *lords* are *peers* becauſe they are *noble*, and the commoners are *peers*, becauſe they are *not noble*, why hav not the commoners the ſame appellations of *peers of the relm*? The lords are not *equally* noble, by Blackſtone's own ſtatement, for they are of very different ranks; and the commons are not equally *ignoble*, (this word iz uſed merely for contraſt) for they are of different ranks: Yet the vote of one commoner iz az good in the houſe of commons, az that of another; and the vote of one lord, in the other houſe, iz az good az that of another. If the *equality of ſuffrage* iz a proper ground for the title of *peers* in one houſe, the reezon extends to the other. Yet commoners are not *peers of the relm*; and until a good reezon can be aſſigned for the diſtinction of titles between the houſes, I ſhall beleev that the word *peer* had originally no reference to *equality*.†

But

* Com. Vol. I. 403. "But the ſame author, in page 399, ſays, the right of *peerage* ſeems to hav been originally territorial, that iz, annexed to lands, manors, &c. the proprietors of which were, in right of thoze eſtates, allowed to be *peers of the relm*;" that iz, in plain Engliſh, certain men, in right of their eſtates, were allowed to be *equals* of the relm. This will not paſs for reezon and truth on this ſide of the Atlantic.

† Horne, in hiz Mirror of Juſtices, chap. I. ſect. 2. ſays, "altho the king ought not to hav any *peer* (that iz, *equal*) in the land, yet becauſe he cannot be a judge in a caſe where he iz a party, it waz behovefull by the law that he ſhould hav *companions* to heer and determin of all writs and plaints of all wrongs, &c. Theze companions are now called *countees, earles*, according to the Latin *comites*, &c." This iz ſingular! The king ought to hav no *equal*; therefore he ought to hav *companions* for judges; or, in plainer words, if poſſible, the king ought not to hav *equals* in the kingdom, therefore he ſhould hav *peers* to heer and determin criminal cauſes. Common ſenſe at leeſt, if not etymology, will ſay, "the king ought not to hav *equals*, but he muſt hav *judges*."

But ſay the Engliſh lawyers and antiquaries, "the biſhops are not in ſtrictneſs held to be *peers of the relm*, but only *lords of parliament*."* Why not? What is the diſtinction? Here our authors leev us in the dark; but perhaps the foregoing clu will leed us to the light. Biſhops were not the original proprietors of baronies; they were not *bars* or *pars*, the hereditary lords of manors, conſequently not *peers of the relm*. This iz ſuch an obvious ſolution of the queſtion, that I am ſurprized it ſhould hav been overlooked. Under the papal hierarchy, the clergy gained vaſt influence over the minds of men, and by a variety of expedients, became poſſeſſed of large eſtates, and ſome of them, of ancient baronies. But their acquiſitions were comparativly of modern date, and many of them uſurpations, altho in conſequence of their eſtates they obtained a ſeet in the houſe of lords. They are therefore *lords of parliament*; but the ancient peers, priding themſelves upon the antiquity of their families, and claiming certain preſcriptiv rights, would not admit the clergy to an equal ſhare of authority and honor; for to this day, a vote of the temporal lords iz good againſt every vote of the clergy.†

"The appellation *peer*," ſays Cowel, "ſeems to be borrowed from France, and from thoze *twelv peers* that Charlemagne inſtituted in that kingdom." The ſame word waz uſed by other nations. Theze twelv peers conſtituted a great council or ſupreme court, and the members were all *barons*, or of the nobility.‡ Can the word, applied to the members of this council, ſignify *equal*? By no means. Here we trace the word to

* Blackſtone, Vol. I. 157, from Staunford P C. 153.

† It iz now held that *e converſo*, a vote of the ſpiritual lords, if a majority, iz good againſt all the temporal lords; but Coke douts it. Suppoſing this to be admitted, the privilege is modern, and makes nothing againſt my ſuppoſition.

‡ It haz been remarked that *baron* iz the moſt general title of nobility; indeed every nobleman waz originally a *baron*. Coke. I. 74. The lords of manors, both in England and on the continent, were the ſuitors in the king's court, and called *pares curtis* or *curiæ*. The lords tenants were called the *peers* of hiz court baron. See Blackſtone, Vol. I. ch. 4.

to a remote period of antiquity, and find it uſed by the emperor of Germany; or at leeſt an appellation given to one of the firſt councils in hiz dominions. This iz the pure primitiv ſenſe of the word *peers*, *barons*; that iz, in the full latitude of its ſignification, all the ancient nobility; who held lands of him ether immediately or mediately; who formed hiz ſupreme judicial court, and in ſome countries, hiz legiſlativ aſſembly; who were hereditary councillors of the crown; and cheef *judges* of all cauſes ariſing on their own manors, except ſuch az were of great conſequence.

This explanation accounts for what Selden has remarked, chap. 65, that "the barons of England, before the reign of Edward I, were rather the *great* and *richer ſort* of men, than *peers*, altho they were of the number." That iz, the Saxon thanes, who were great landholders, but inferior to the erls, had, after the conqueſt, receeved the appellation of *barons* from the continent; but, being a ſecondary claſs of nobility, had not claimed or acquired the power and privileges of the German and French princes and nobles who had the title of *peers*, until the Norman kings had introduced, into the kingdom, the oppreſſiv and invidious diſtinctions of the feudal tenures, in the full extent of the ſyſtem.

It will be enquired, if this iz the ſenſe of the word, how came juries of common freeholders to be called *peers?* The anſwer iz eeſy; the jurors were the *judges* of the inferior courts, and not merely the equals of the parties, az iz commonly ſuppoſed. The *erl* or *baron*, in ſtrictneſs; but more commonly, the vice-comes, ſheriff or lords deputy, waz the preſident or cheef juſtice, and the jurors, the *aſſiſtant judges*. For this opinion, numberleſs authorities may be produced. The barons were the aſſiſtant judges, *peers*, in the court of the lord paramount or king, and thus became judges by preſcription; ſo the word *peer* or *baron*, in time, became equivalent to *judge*. Az the nobles were judges in the kings court, and decided on appeels in the laſt reſort, ſo the freeholders who conſtituted the court

in the county, hundred or manor, came to be denominated *peers*, that iz, *judges*.

Reeve, in hiz hiſtory of the Engliſh Law, remarks, that "the adminiſtration of juſtice in the days of William the conqueror, waz ſo commonly attendant on the rank and character of a baron, that *baro* and *juſticiarius* were often uſed *ſynonimouſly*." Blackſtone ſays, "it iz probable the barons were the ſame az our lords of manors, to which the name of court baron (which iz the lords court, and incident to every manor) givs ſome countenance." Vol. I. 398. It iz ſurprizing, theze writers ſhould approach ſo neer the tru original and meening of the word, *baron*, and not reech it.

Moſt writers on the ancient ſtate of government in Europe, hav remarked that the nobility held the office of judges. "Les meſmes comtes," ſays Mezeray, "et ducs, qui jugeoint les François, les menoient a la guerre." tom. I. p. 118. The counts and dukes were both judges and generals.

"Duo—comitum munera fure; unum videlicet juſtitiæ populis miniſtrandæ, alterum militiæ ſibi ſubjectæ, quando in bellum eundum erat, educendæ atque regendæ." Muratori. Antiq. Ital. tom. I. p. 399. The counts had two offices or departments of buſineſs; the adminiſtration of juſtice, and command of the troops in war.

Stuart, in hiz Engliſh Conſtitution, remarks, "that the erls preſided in the courts of law. Their juriſdiction extended over their feefs: In all cauſes, civil and criminal, they judged without appeel, except in caſes of the utmoſt conſequence." Part 3. Sect. 3.

I preſume it iz needleſs to multiply authorities. The ſtrongeſt argument in favor of my opinions iz drawn from the ſupreme judiciary powers of the houſe of lords in England. The lords are *peers* of the relm; that iz, the ancient preſcriptiv judges or barons, who claim the privilege by hereditary right or immemorial uſuage. The *houſe of peers*, iz literally and in fact, *a houſe of judges*; an aſſembly of all the ancient judges in the kingdom. So Selden relates of the Saxons, whom

he

he ſuppoſes to be deſcended from the ſame original az the Greeks, and long prior to the ages of Roman glory; "their country they divided into counties or circuits, all under the government of *twelv lords*, like the Athenian territory under the Archorites. Theze, with the other *princes*, had the *judicial power of diſtributiv juſtice* committed to them, with a hundred commoners out of each diviſion." Tit. Saxons. The ſame writer declares, chap. 58, that the nobles "were in their moſt ordinary work, *meetings of judges*, or *courts of judicature*; that the king and hiz barons made many laws and conſtitutions which hav obtained the name of ſtatutes," (which he ſuppoſes may hav been equitable deciſions of new cauſes, which afterwards had the force of laws) "that the judges of this ſupreme court are the *baronage* of England; and that the houſe of lords ſtill retain their ſupreme judiciary powers by ancient preſcriptiv right."

In addition to this authority, I would remark that the modern ſupreme judiciary of Scotland iz copied almoſt exactly from the ancient Saxon trial by laghmen or thanes. The lords of ſeſſion, or preſident and fourteen judges, are a court of law and fact, without a jury; and this iz exactly the *old* trial by *peers*.

The parliaments in France are juſtly ſaid by lord Coke, to be *ordinary courts of juſtice*; another ſtriking evidence of what I hav advanced. The word *parliament* came from France, where it denotes that aſſembly of barons, which conſtitutes the ſupreme *court of juſtice* in each of the ſeveral provinces. This iz the original import of the word, and the parliaments in France ſtill retain that ſignification. This name waz introduced into England, under the Norman princes, and ſuperſeded the Saxon name of the national aſſembly, *witenagemote*. Indeed, during the depreſſion of the people, under the firſt princes of the Norman line, when the military tenures were eſtabliſhed with rigor, national aſſemblies were called but ſeldom, and when ſummoned, conſiſted principally of the biſhops and peers (barons) of the relm. They however acquired the name of *par-*

liament, and retain it to this day; altho one branch of that body iz compoſed of commoners. The tru meening of *parliament* iz a *meeting* of *barons* or *peers*, and their principal buſineſs waz to decide controverſies: They had original juriſdiction over cauſes in which the nobles were parties, az men of rank would not ſeek redreſs before an inferior tribunal; and they had an appellate juriſdiction over other cauſes in the laſt reſort. The parliament of England iz a legiſlativ body; but the *houſe of lords* retains the primitiv privilege of finally deciding controverſies. This branch of the legiſlature alone anſwers to the *parliaments* in France, which approach neer the ancient inſtitution.*

So in England, the houſe of lords, and even the temporal lords alone, were called formerly a *parliament*. Blackſtone, b. IV, c. 19, upon the authority of ancient books and records, repeetedly denominates the houſe of peers, when acting az a court of ſupreme judicature, a *parliament*, a *full parliament*; and the ſpiritual lords are not permitted to giv any vote upon *gilty* or *not gilty*, for they are not ancient *peers* (that iz, barons, preſcriptiv judges) of the relm. It haz been douted whether the ſpiritual lords had a right to ſit in the houſe on the trial of a peer; but by a determination of the lords in the erl of Danby's caſe, 1679, they were permitted "to ſtay and ſit in court in capital caſes, till the court proceeds to the vote of gilty or not gilty." Still they form no part of the court; the temporal lords conſtituting a *full parliament*, that iz, az I hav explained the tru primitiv meening of the word, *a meeting of barons or judges*.†

I would

* The Norman princes might well call their councils *parliaments, meetings of barons*; for they often ſummoned none but the barons and clergy, and ſometimes but a few of the barons. Henry the third, once ſummoned but twenty five barons of two hundred and fifty, then in the kingdom, and one hundred and fifty of the clergy. Yet this meeting waz a *parliament*. Selden, chap. 67.

† Thoze who wiſh to ſee a more particular account of the extenſiv judicial powers of the barons in Europe, may conſult Robertſon's Charles V. Vol. I. page 49, and note [Z] page 250, where the authorities are referred to.

I would juſt add on this head, that the inſtitution of *twelve judges* in England, iz copied from the ancient mode of trial in Germany. The old *Curia Regis* conſiſted of the king, hiz grand juſticiary, the officers of hiz palace and *his barons*. This court followed the kings perſon wherever he went. Out of this were formed the ſeveral courts now eſtabliſhed at Weſtminſter. But the title of *barons of the exchequer* and *barons* of the cinque ports, who are judges, furniſhes an additional argument in favor of my opinions.

The foregoing explanation of the words, *baron* and *peer*, leeds to a probable account of the *trial by peers*. It can be prooved that the jurors were the *judges* of the county, hundred and manor courts, and the probability in that the ſuitors in theze courts receeved the appellation of *peers*, from the circumſtance of their being landholders. Several authorities ſeem at leeſt to favor this opinion.

"Concerning the inſtitution of this court by the laws and ordinances of ancient kings, and eſpecially of Alfred, it appeereth that the firſt kings of this relm had all the lands of England in demeſne, and les grand manors et royalties, they reſerved to themſelves; and of the remnant, they, for the defence of the relm, enfeoffed the barons of the relm, with ſuch juriſdiction az the court baron now hath, and inſtituted the freeholders to be *judges of the court baron*."*

"The manor courts are of two ſorts. The firſt iz by the common law, and iz called the court baron, az ſome hav ſaid, for that it iz the freeholders or freemens court, (for *barons* in one ſenſe ſignifie *freemen*) and of that court the *freeholders*, being ſuitors, be *judges*. The ſecond iz the copyholders court, which iz called a court baron, becauſe among the laws of king Edward the confeſſor, it iz ſaid: "Barones vero qui ſuam habent curiam de ſuis hominibus," taking the name of the baron who waz lord of the manor, or for that properly

* Coke Litt. 74. That the freeholders were judges iz tru; but that the barons and freeholders derived their authority from kings, iz wholly a miſtake.

erly in the eye of the law, it hath relation to the *freeholders who are judges of this court.* And in ancient charters and records, the *barons* of London and the cinque ports do signify the *freemen* of London and the cinque ports."* Theze passages are expres to my purpose. Indeed it must hav been that the freeholders, now called *jurors*, were judges; for the lord of the manor waz cheef judge or president merely, and we heer nothing, at this erly period of Saxon jurisprudence, of a distinction between law and fact.

Horne, in the Mirror of Justices, asserts† "that by the constitutions of Alfred, the free tenants in every county, hundred and manor, were to meet together and *judge their nabors.*" "Every free tenant hath ordinary jurisdiction in theze courts." "The lords and tenants shall incur certain penalties by the *judgement of the suitors.*" "Theze courts are called county courts, where the *judgement iz by the suitors*, if there be no writ, and iz by warrant of ordinary jurisdiction." That iz, when there waz no special court held by the justices in eyre.‡ So also in a book called the "Diversity of Courts," written in Henry the eighth's time, it iz said, "in the court baron the *suitors are the judges*, and *not* the *steward.*"

Cowel tels us, "the court baron iz more properly *curia baronum*, i. e. the court of *freeholders*, (for so barones does also signify) over whom the lord of the manor presides. In this court the *freeholders are judges.*"§

Selden's authority confirms this fact. He says, "neether waz the bishops nor sheriffs work, in the folk-mote or county court, other than directory or declaratory; for the *freemen* were judges of the fact, and the other did but *edocere jura populo.*"‖ Here a distinction iz clearly made beetween the *freemen* and the *populus*; the freemen were the judges, and the bishop or sheriff edocuit jura, proclaimed the decision to the multitude.

* 1. Coke Litt. 73.——† Cap. I. Sect. III.

‡ He must speek of the state of things after the conqueſt, otherwise *justices in eyre* would not hav been mentioned.

§ Law Dict. *Court baron.* ‖ Bacon's Selden. chap. 14.

multitude. The freemen, or landholders, then were the *peers* of the court; they were not the *equals* of the multitude, for the *populus*, the laborers of all deſcriptions, were conſidered az belonging to an inferior claſs of men, and had no voice in the folk-mote.

To ſum up the whole, we hav the authority of the correct and judicious Blackſtone, who expreſsly aſſerts, book III. chapters IV and V, that in the court baron, the hundred court and county court, the freeholders or ſuitors are *the judges*, and the ſteward in the two former, and the ſheriff in the latter, are *the regiſtrars or miniſterial officers*. Now it iz well known that before the conqueſt, theze included *all the courts* that were in the kingdom, except the *witena-gemote*, in which there waz nothing like a jury, ſeparate from the members of that council. So that the freeholders or jurors were not only *judges*, but they were the *ſole judges* in all the inferior courts in the kingdom; and of courſe there could be little or no diſtinction between *law* and *fact*. Nay, more, the ſuitors were the *witneſſes* alſo; and the principal reezon for ſummoning *freeholders of the vicinage* waz originally this; it waz ſuppoſed they were acquainted with the facts in diſpute. Hence laws were made to compel the jurors to *tell the truth, if they knew the facts*, which waz always ſuppoſed, till the contrary appeered. In theze courts ſmall cauſes were decided; and the county court had cognizance of eccleſiaſtical cauſes, az well az civil, and often determined diſputes between the nobles, about real eſtates of immenſe value.

But important matters were generally brought before the *witena-gemote*, or aſſembly compoſed of the king, biſhops, erls and wiſe men. This waz a national council, which united in itſelf all powers, legiſlativ, judicial, civil and eccleſiaſtical, in law and equity. Such a thing az a jury waz never known in this ſupreme court. William the conqueror firſt ſeparated the civil from the eccleſiaſtical authority, and ſubſtituted the *aula regiæ*, a high court, conſiſting of hiz cheef officers and barons, in place of the Saxon *witena-gemote*. This court waz the ſupreme judicature in the nation; a jury

waz

waz no part of it, and it followed the king wherever he went, till it waz fixed by Magna Charta in Weſtminſter Hall. Afterwards, in the reigns of Henry III and Edward I, ſeveral courts were carved out of the *Aula Regis*; az the common pleas, the court of kings bench, the exchequer and chancery courts; and it does not appeer that a jury, diſtinct from the judges, formed any part of the important common law courts, till after this period. The diſtinction therefore between judges and jury, law and fact, ſeems not to hav been known, till the diſſolution of the *Aula Regis*, at the cloze of the thirteenth century.

Let us enquire what kind of men theze freeholders were, who were ſummoned az jurors or judges at theze courts.

Lord Coke iz expreſs, and quotes Glanvil and Bracton for authorities, that "in ancient times the jurors were *twelv knights*," (that iz, probably, perſons holding land amounting to a knights fee.)*

Henry III iſſued writs to the ſeveral counties to enquire into the liberties of hiz ſubjects, by *twelv good and lawful knights*.† The Saxon laws are more explicit. "Habeantur placita in ſingulis wapentachiis, ut exeantur *duodecem thayni* et præpoſitus cum eis, et jurent ſuper ſanctuarium, quod eis dabitur in manu, quod neminem innocentem velint accuſare, vel noxium concelare."‡ Here the law of Ethelred iz explicit in ordaining a court of twelve *thayni*, thanes or barons, with their præpoſitus or preſident, who waz the officer of the hundred. Cowel remarks on this paſſage, "that this may ſeem to intend the number of *judges*, and not of the *jury*; but the jury themſelves, in ſome caſes, are judges, that iz, they are *judges* of the *fact*, and the judge iz bound to giv ſentence according to their verdict."

This

* Some ſay this fee waz eight hundred akers of land; others, ſix hundred and eighty, or 20l. a year, which, conſidering the difference in the value of money, waz equal perhaps to 300l. or 400l. at the preſent time. Here ſeems to be a confuſion of ancient and modern ideas. The ancient knights fee waz a certain tract of land; in later times that fee waz valued at 20l. in money.

† Hale's Hiſt of Com. Law, 154.—‡ L L Ethel. c. 4.

This writer here ſuppoſes the *thayni* to be really *jurors* and *judges*; but *judges* only of the *fact*. This iz *the fundamental error* of moſt lawyers who hav written on the ſubject; they take it for granted, that the diſtinction of *law* and *fact* waz coeval with the trial by twelv free-holders. Yet a ſingle circumſtance, mentioned by Cowel in the ſame page, with the paſſage quoted, might hav undeceeved him, which iz, that "trial by jury waz anciently called *duodecem virale judicium*," the *judgement* of twelv men. Their ſentence or deciſion waz called a *judgement*; the diſtinction between the *verdict* of a jury, and the *judgement* of the court, waz unknown in the erly ages of the Saxons; nor can I find it mentioned, till after the conqueſt.

This, and ſimilar paſſages, hav however occaſioned much diſpute among other Engliſh lawyers and antiquaries. They hav adopted the opinion, that a jury muſt conſiſt of twelv equal commoners, and cannot explain what iz ment by ſummoning *twelv thanes*. "Brady and Hicks," ſays Stuart, "contended that theze thanes were *not jurors*, but *judges* or *lawyers*. Coke and Spelman were of a different opinion." The truth iz, they were both *jurors* and *judges*; and a knowlege of the tru primitiv ſenſe of one little monoſyllable in our language, would hav unravelled the whole myſtery to theze learned enquirers.

The moſt uſual word for jurors, in the Saxon laws, iz *lahmen* or *lagemen*; a word that haz puzzled the law writers, az it ſeems to meen ſomething more than *equals*; and they hav no idea of any thing in a jury, but *equality*. Hicks ſuppoſed them to be judges, "duodeni jure conſulti," men verſed in law. Spelman rendered the word, *legales homines*, good and lawful men; very inadequate words indeed; but the error haz been copied times without number, and ſtill prevails. *Lahman* iz literally a *law man*, man of the law, a judge. Law waz in a rude ſtate, at that period; but the thanes were both *lawyers* and *judges*; *jure conſulti*.*

Profeſſional

* We find by ancient records, that the clergy, before the conqueſt, were ſometimes ſummoned az jurors or judges in the temporal

Profeſſional diſtinctions could not be but little known, amidſt an unlettered people, who had few poſitiv laws, and fewer records and precedents; and the *lahmen*, the *ſeniores thani*, or *meliores viri*, az they were called, were ſummoned at certain times to decide controverſies, according to law, where a law waz provided; otherwiſe according to their diſcretion. The deciſions of theze *lahmen* were held in eſteem; many of them were preſerved and handed down by tradition, and I hav no dout, theze, rather than ſtatutes, gave riſe to the general and particular cuſtoms, which are called the common law of England.*

Coke defines *lahman* to be one, "habens ſocam et ſacam ſuper homines ſuos;" that iz, liberty of holding a court over hiz tenants: Which explanation he quotes from Bracton. "Soke, (or ſoc) ſignificat libertatem curiæ tenentium quam *ſocam* appellamus."†

This

temporal courts.§ But the *thanes* were the moſt uſual judges in the courts baron. The proper Saxon name of this court waz *halimote* or *halmote*, *hallmeeting*; "Omnis cauſa terminetur vel hundredo, vel comitatu, vel *halimote*, ſocam habentiam, vel dominorum curia."† And in W. Thorn, Anno 1176, the judges of this court are expreſsly ſaid to be thanes, "*thanenſes*, *qui* in *Halimoto* ſuo, in Thaneto, omnia ſua judicia exerceri," (debent.) Selden, chap. 47, mentions a law of Henry I, which recites a cuſtom of that time, by which "the *biſhops* and *erls*, with *other the cheef men* of the county, were preſent in the county court az aſſiſtants in directory of judgement." Nothing can be more explicit. And altho Selden, in a paſſage hereafter quoted, mentions a compromiſe between Gunthrune, the Dane, and the Saxon king, that men of a rank inferior to lords ſhould be tried by their *equals*, yet this inferior rank could extend only to *freemen*; for others were never admitted upon juries.

* "And the ſheriffs and bailiffs cauſed the free tenants of their bailiwicks to meet at the counties and hundreds, at which juſtice waz ſo done, that every one ſo judged hiz nabor by ſuch judgement az a man could not elſewhere receev in the like caſes, until ſuch times az the cuſtoms of the relm were put in writing, and certainly eſtabliſhed."——Mirror. chap I. ſect. 3.

† Fleta. lib. I. c. 47.

§ See Selden, tit Sax. biſhops.——† L. L. Hen. I. cap. 10.

This word iz found in domeſday and in the laws of Edward the confeſſor. Cowel quotes a paſſage from an ancient book, where Ulvet, the Son of Forno, iz called *lagaman* of the city of York, where, he ſays, it doutleſs ſignified ſome cheef officer, az judge or recorder. Thoze who had *ſocam* et *ſacam*, or juriſdiction over the perſons and eſtates of their tenants, were the *thanes* or barons; and this iz agreed by Lambard, Somner, Coke, Cowel, and moſt writers on law.* Lambard, whoze authority iz very reſpectable, ſpeeks of a jury thus: "In ſingulis Centuriis comitia ſunto, atque liberæ conditionis viri duodeni ætate ſuperiores unà cum præpoſito, ſacra tenentes juranto, &c." Of a jury *per medietatem leriquæ*, he ſays, "Viri dacodeni *jure conſulti*, Angliæ ſex, Walliæ totidem, Anglis et Wallis jus dicunto." Fol. 91. 3. Here Lambard not only deſcribes jurors az men of *free condition* and reſpectable for age, but az *jure conjulti*, the *judges* of the court; and *jus dicunto*; they were men who adminiſtered law and juſtice. This, it appeers from all ancient teſtimonies, waz the uniform practice among the Saxons. The jurors were twelv *thanes* or men of free condition; *lahmen*, *jure conſulti*, or judges, and conſtituted the *court*; with the præpoſitus, or proper officer of the diſtrict, az their preſident, who ſat az the deputy of the erl, in the county court; the deputy of the lord of the manor, in the court baron; or az the cheef magiſtrate of the hundred. And one ſource of error in underſtanding this ancient inſtitution, haz been the wrong tranſlation of *lahman*, by Spelman and others, who rendered the word, *legalis homo*; a good and lawful man. The meening iz not ſo indefinit az a *lawful man*, which could not be redily underſtood or explained. Rude nations do not deal in ſuch vague ideas.

* *Laghman*, to this day, iz the name of a judge or magiſtrate, both in Sweden and Iceland. In theze countries it retains its primitiv and tru Engliſh meening.—Mallets North. Antiq. Vol. I.

ideas. The meening iz, *man of law*, whoze buſineſs it waz to know the law and adminiſter juſtice.*

But if we ſuppoſe the word to meen *legalis homo*, and that the only requiſit in a juror, iz freedom; or that he ſhould be *liber homo*; this would exclude a vaſt proportion of the Engliſh nation from the privilege. I know that Magna Charta repeetedly mentions theze freemen, *liberos homines*, and ſecures to them certain rights, among which iz, trial *per pares ſuos*, which I ſuppoſe to hav been originally, *by their judges*; altho at this period, the idea of equality in the condition of judges might hav prevailed: And indeed the *freemen* were moſtly tried by men of equal rank. I am ſenſible alſo that the modern conſtruction of Magna Charta extends this privilege to every man in the relm of England; *omnis liber homo* iz ſaid to comprehend every Engliſh ſubject. I rejoice that by the ſtruggles of a brave peeple, this conſtruction of that compact has actually

* Selden waz forced to confeſs the *jure conſulti* and *etate ſuperiores*, ſo often mentioned in the Saxon laws, az compoſing the homage or jury of twelv, to hav been *cheef men both for experience and knowlege*. To ſuch as *ſtumble at this concees*, az he expreſſes it, he remarks that the work of jurors requires them to be cheef men, az they *judge of matter of fact*; (a reeson drawn from the modern notions of jurymen's province.) And he adds, the jurors, who were co-aſſeſſors, with the biſhop or ſheriff in the court, were ſeeted in the moſt eminent place, and might hav held it to this day, az they do in Sweden, had the *cheef men* ſtill holden the ſervice. But the great became negligent of ſuch public duties, and left the buſineſs to those of a meener condition, who would not or durſt not take the bench; and therefore took their ſeets on the floor—(took ſeparate ſeets.) He ſays further, that the Danes, on their ſettlement in England, would not aſſociate with men of this condition; ſo that a compromiſe took place between Alfred, the Saxon king, and Gunthrune, the Dane, by which it waz decreed, that a lord or baron ſhould be tried by twelv lords, and one of inferior rank, by *eleven of his equals* and *one lord*. This waz in the caſe of homicide only; tho afterwards the law might extend to other caſes and civil ſuits. By hiz own account of the matter, this writer ſuppoſes the trial by *twelv* waz originally a trial by the *cheef men, (thanes labmen)* and the idea of equality waz never ſuggeſted in the practice till the ninth or tenth cen-

tury.

actually taken effect in a conſiderable degree. But I cannot think all the Engliſh nation were comprehended in the words of the inſtrument; or that the privilege of *trial by peers* waz extended, or ment to be extended, to all the people. Magna Charta waz merely a convention between the king and hiz barons, aſſembled at Runing-mead; and the laboring part of the people, debaſed by ſervitude under an oppreſſiv ariſtocracy, ſeem hardly to hav been in the contemplation of the parties. The villeins, ruſties, or tenants at will, who probably compoſed a majority of the people, had one privilege indeed ſecured to them: It waz ſtipulated that they ſhould not be deprived, by fine, of their carts, plows, and other inſtruments of huſbandry; that iz, they ſhould not be deprived of the meens of laboring for their maſters. Further than this, a large proportion of the Engliſh were not noticed in Magna

tury. But juries exiſted az courts for centuries before; and the word *peers* iz acknowleged to hav had its origin on the continent, where it ſignified the lords or members of the high court inſtituted by Charlemagne. In modern uſe, trial by *peers* iz trial by equals *generally*; for men are moſtly become freemen and landholders; but this waz not the primitiv practice; nor was *equality* the baſis of the inſtitution. Even if we ſuppoſe the word peer to hav ſignified *equal*, as uzed originally on the continent, it extended no privilege on that account to the body of the nations where it waz uſed; for it ment only the *kings equals*, hiz *comites*, hiz dukes, erls and barons, among whom he waz merely *primus inter pares*. In England Bracton, who wrote under Henry III, declares the king waz conſidered in this light; and that the "*erls and barons are his aſſociates*, who ought to bridle him, when the law does not."* The courts then which Charlemagne inſtituted in France and Germany, conſiſted merely of the kings *peers* or *equals*; and in theze countries, the courts remain moſtly on the ancient fobting; ſo that none but the nobility can be tried by their *equals*. In this ſenſe of the word therefore juries were not uſed in England, till the compromiſe between Alfred and Gunthrune, about the year 900. Before that period, the jurors were not called or conſidered az *equals*; but they were *thanes, jure conſulti, labmen* and *clergymen*. A diſtinction afterwards took place, and lords were tried by *their* equals, and commoners by *theirs*.

* L. I. c. 16.

na Charta, but were conſidered az a part of their lords property, and transferable, like moveables, at their plezure.

The *freemen*, or thoze claſſes of peeple which came within the deſcription of *liberi homines* in that famous convention, were the nobility and clergy tenants *in eapite*, or ſuch at moſt az had a life eſtate in lands, and could ſerve on juries. The lazzi villeins, or modern copyholders, were not at that time capable of ſerving; they were below the rank of freemen; they had not the right of trial by peers, even in the common acceptation of the word; nor were they admitted to the privilege till the reign of Richard III. Multitudes of them are not *peers* of *the commons*, even on the principle of equal ſuffrage, for they hav not the property requiſit to qualify them for the privilege of voting at elections. Blackſtone's aſſertion therefore, that every ſubject of the kingdom haz a right by Magna Charta, to trial by hiz equals, cannot be tru, for vaſt numbers of the nations are not, and never were, entitled to be jurors. But in the ſenſe I underſtand and hav explained the word, every man haz a right to *trial by hiz peers*; that iz, by freeholders of the vicinity, who are *his judges*. The propriety of calling them *hiz judges*, *pares ſuos*, iz diſcovered in the gradation of courts eſtabliſhed in England. The *peers of the relm*, or barons, were originally the ſuitors or judges in the kings court, where alone the nobility were tried; hence the barons were always tried by *their* judges, *pares ſuos*. The clergy, the thanes of the lower claſs, or other freeholders who had life eſtates in lands, were the ſuitors in the courts of the counties, the hundreds and manors. Theze were the *judges* of theze courts, and called *peers*. The freemen might be ſaid to be tried by their *equals*; but the villeins were not; yet both were tried by *their* peers; that iz, by the peers of theze inferior courts, who were excluſivly *the judges*.*

From.

* "The diviſion of the couny waz done by the *freemen*, who are the *ſole judges thereof*."* Selden; Matthew, Paris, and others,

* Selden on the authority of Polydore.

From what haz been advanced on this ſubject, if we may rely on ſubſtantial authorities, and at leeſt probable etymologies, the following concluſions may be ſafely deduced. That in ancient Germany, the *principes pagorum et regionum*, with a certain number of aſſiſtants, originally a hundred, ſometimes twenty four, but commonly twelv, elected by the peeple, (not *pro re nata*, but for a ſtated period) formed a council (concilium) for the government of a diſtrict: That in their military expeditions, the *duces*, or generals, had their *life guards*, or comites, who attached themſelves to the perſon of their cheef, and fought by hiz ſide:* That

others, teſtify that the *folk-mote*, peeple's meeting or county court, waz a county parliament, inveſted with legiſlativ or diſcretionary powers in county matters. In theze ſmall diſtricts, they appeer to hav been competent to decide all controverſies, and make all neceſſary local regulations. The legiſlativ, judicial and executiv powers, both civil and eccleſiaſtical, were originally blended in the ſame council; the witena-gemote had the powers of a legiſlature, of a court of law, and of a court of equity over the whole kingdom, in all matters of great and general concern. But this court waz compoſed of lords, biſhops, and *majores natu* or *ſapientes*, men reſpected for their age and lerning, who were of the rank of *freemen*. All the freemen were bound alſo to do ſuit in the lords court, and to attend the *folk-mote* on the ſheriffs ſummons; but *twelv* were uſually ſelected to ſit az judges in common caſes.

The vaſt powers of the county court, when the freeholders were all ſummoned and actually ſat in judgement, may be underſtood by two facts. Odo, the conquerors half-brother, and Lanfrank, archbiſhop of Canterbury, had a diſpute about certain lands and tenements in Kent. The archbiſhop petitioned the king, who iſſued hiz writ, and ſummoned the freemen of the county, to take cognizance of the ſuit. After three days trial, the freemen gave judgement for the archbiſhop, and the deciſion waz final.

In like manner, two peers of the relm, a Norman and an Italian, ſubmitted a title in fifteen manors, two townſhips, and many liberties, to the freeholders of the county, whoſe judgement waz allowed by the king.§

* "Magnaque et comitum æmulatio, quibus primus apud principem ſuum locus; et principum, cui plurimi et acerrimi comites."† The princes kept az many of theſe retainers in their ſervice

§ Selden. Chap. 48.——† Taciſus de mor Germ. c. 13.

That theze retainers, in ſome of the Teutonic dialects on the continent, were called *barons*, az they were called *thanes* by the Saxons in England: That after the irruption of the northern nations into the ſouth of Europe, the conquered lands were divided among the great officers and their retainers, az fees or ſtipendiary feuds, on the honorable tenure of military ſervice: That the princes, erls and barons, hav been, from time immemorial, the aſſiſtant judges in the kings courts, and eech of them, a cheef judge, with power of holding courts, on hiz own demeſnes: That parliaments on the continent were *aſſemblies of barons*, and originally *courts of juſtice*, az they are ſtill in France: That the word *peers* waz firſt uſed on the continent, to denote the members of this ſupreme judicial court, and in its primitiv ſenſe, az derived from *bar* or *par*, it ſignified freemen or landholders; and thence came to denote *judges*, who were originally the proprietors of lands or manors: That this latter ſenſe iz its tru meening, whether applied to the houſe of lords or to a common jury, who were anciently the *judges* of the inferior courts, and are ſtill, in many caſes, judges of law az well az fact, notwithſtanding the modern diſtinction, which haz taken place in conſequence of an extenſiv and vaſtly complicated ſyſtem of juriſprudence: That the houſe of lords in England retains the primitiv ſenſe of the word *peers*, az well az the original right of *judging* in the laſt reſort, and this houſe alone iz a *parliament*, according to the ancient meening of the word on the continent: That the *freemen* mentioned in Magna Charta and all the old law writers, were thoze who held their lands by honorable ſervice, for term of life, or had eſtates of inheritance; and that the lazzi, villiens or bondmen, who conſtituted the major part of the nation, were not comprehended under the words *liberi homines*, were not entitled to be jurors themſelves, and conſequently could not be tried by their *equals*: That the twelv jurors among

ſervice in time of peace, az they could ſupport. "Hæc dignitas, hæ vires, magno ſemper eleſtorum juvenum globo circumdari, in pace, decus, in bello, præſidium. Ibm."

among the Saxons were the *cheef men* of the county and judges: That the idea of *equality* in the jurors or judges waz introduced by the pride of the nobility, and the humble condition of their tenants, under the invidious diſtinctions of ranks created by the feudal ſyſtem: That this idea however haz been the meens of preſerving the rights of both in England; while the nations on the continent, having been leſs ſucceſsful in their ſtruggles, and not having wreſted the *right of judging* from the barons, the original *peers* or proprietors of that right, hav not acquired a privilege, ineſtimable in a country where diſtinctions of rank prevail, and do not enjoy the bleſſings of equal liberty: That this privilege haz been conſiderably extended in England, by the abolition of military tenures, and the diffuſion of property among the commons: But that America haz given the privilege its utmoſt extenſion, by making laws of inheritance that enable *every man* to be a freeholder; thus reducing the Engliſh theory to practice, and entitling every man literally to the right of *trial by hiz equals*.

How far theze concluſions are ſupported by the foregoing authorities and arguments, every reeder will judge for himſelf. I hav ventured my opinions with my uſual frankneſs, in oppoſition to thoze of the ſages of the law, which hav been receeved for centuries. The vaſt weight of authority, and long eſtabliſhed preposſeſſions of men in favor of a different theory, make me diffident of my own opinions on this ſubject; but there are many paſſages in ancient law writings, and many cuſtoms and laws ſtill exiſting in the Engliſh conſtitution and government, which I cannot explain and reconcile on any other hypotheſis.

The excellence of trial by peers, in ancient times, appeers to me to hav conſiſted in this; that twelv indifferent men of the naborhood, with the power of judges, were the guardians of life and property againſt the rapacity of the lord of the manor or hiz deputy. It iz a fact well known that *ſheriffs*, the deputies of the erls, were in ſeveral counties hereditary officers; but when

they were not, they had almoſt unlimitted powers in the ſhire, which they often abuſed to oppreſs the people. Under the feudal ſyſtem they appeer to hav been almoſt abſolute tyrants; and the undue exerciſe of their powers, probably gave riſe to thoze articles of Magna Charta, which declare, that "no freeman ſhall be taken, impriſoned, or diſeized of hiz freehold, liberties, or free cuſtoms, but by the lawful judgement of hiz peers, or by legal proceſs; that ſheriffs ſhould not hold county courts above once a month; that ſheriffs, caſtellans, coroners, and kings bailiffs, ſhould be reſtrained from holding pleas of the crown; that ſheriffs, who had the management of the crown revenues, within their ſeveral diſtricts, ſhould not raize the farms of counties, hundreds and tythes, according to their plezure." Theze proviſions were evidently deſigned to remedy actual evils; the violence and uſurpations of the executiv officers, who acted under the king, or the great lords, with powers almoſt uncontrolled.* Againſt ſuch petty tyrants, the revival or confirmation of the right of trial by twelv freeholders of the vicinage, muſt hav been a capital ſecurity: But freeholders alone could be impannelled on a jury; *freeholders* alone could be diſeized of *freeholds*; conſequently the privilege of being tried by *equals*, could extend to freeholders only. With reſpect to all others, the excellence of the inſtitution could not conſiſt in the *equality of condition* in the jurors; but in having twelv ſubſtantial freemen, impartial, independent men, unaccuſtomed to oppreſſion, to check and control the miniſters of juſtice.

Since the ſeparation of court and jury, law and fact, juries, in civil caſes, hav become of leſs conſequence. Judges

* In the time of Henry II, there were in England eleven hundred and fifteen caſtles, and az many tyrants az lords of caſtles. William of Newbury ſays, in the reign of Stephen, "Erant in Anglia quodammodo tot reges, vel potius tyranni, quot domini caſtellorum." It waz the tyranny of theze lords or their deputies, which rendered the intervention of twelv judges of the naborhood, highly neceſſary to preſerve the peeple from the impoſitions of their rapacious maſters. Hence the privilege of this mode of trial derived an ineſtimable valu.

Judges are appointed by the repreſentativs of the peeple, ether in legiſlature or ſome other form, and are removeable for miſbehavior. They are uſually az good judges of fact as a jury, and better judges of law. One ſtate* haz a ſtatute empowering the parties to ſubmit fact az well az law to the court. This places the court on its Saxon inſtitution, except az to the number of judges. It iz alſo a common practice for the parties to agree on the facts, and ſubmit the law to the court. The practice ſuperſedes a jury. On commercial queſtions an ordinary jury are altogether unfit to decide; they are incompetent judges, becauſe commerce iz regulated by peculiar laws, beſt known by merchants. Hence the inſtitution of chambers of commerce, and the practice of referring cauſes to arbitrators of the mercantile profeſſion.

But the principal valu and excellence of juries are preſerved in criminal cauſes. Judges, by long cuſtom, become hardened in the buſineſs of condemning, and may ſometimes pronounce ſentence, which, even when legal, may be unneceſſary. Jurors, leſs accuſtomed to the cruel taſk, retain thoze feelings which ſometimes pleed againſt evidence, in favor of humanity, and ſoften the rigor of penal laws.

I ſhall cloze theze remarks with two quotations from very reſpectable authors.

What Camden haz collected concerning the word *baron*, ſerves to illuſtrate and confirm my opinions on this ſubject; and the reeder will be pleezed with the following paſſage from his Britannia, Vol. I. page 238.

"Among the greater nobility, the barons hav next place. And here, tho I am not ignorant what the lerned write concerning the ſignification of this word in Cicero; yet I am willing to cloze with the opinion of Iſidore, and of an ancient grammarian, who will hav *barons* to be mercenary ſoldiers. This ſeems to be pretty plain from that known place of Hirtius in the Alexandrian war; "they run to the aſſiſtance of Caſſius; for he always uſed to hav *barons*, and a good number

* Connecticut.

number of ſoldiers for ſudden occaſions, with their weapons reddy, about him, and ſeparate from the reſt." Nor iz the old Latin and Greek Gloſſary againſt us, when it tranſlates *baro* by *ανηρ*, a man; az always in the laws of the Longobards, *baro* iz uſed for a man.

The etymologies of this name which ſome hav fancied, do not by any meens pleaſe me. The French heralds will hav barons to be ſo called from *par-hommes* in French; that iz, of equal dignity; the Engliſh lawyers ſay it iz from *robora belli*, the ſinews of war; ſome Germans think it a contraction of banner-heirs, i. e. ſtandard bearers; and Iſidore derives it from bareis, i. e. grave or weighty. Alciatus thinks the name comes from the *berones*, an ancient people of Spain, which he ſays were formerly ſtipendiaries; but that other, from the German *bar*, i. e. *a free man*, pleezez me better.

The preciſe time when this name came into our iſland, I hav not yet diſcovered: The Britons diſown it; and there iz not the leeſt mention made of it in the Saxon laws, nor iz it reckoned in Alfrick's Gloſſary among the titles of honor; for there, *dominus* iz tranſlated *laford*, which we hav contracted into *lord*. And among the Danes, the free lords, ſuch az our barons are at this day, were called thanes, and (and az Andreas Velleius tells us) are termed ſo ſtill. In Burgundy, the uſe of this name iz very ancient;* for Gregory of Tours ſays thus, "the barons of Burgundy, az well biſhops az others of the laity, &c." The firſt mention of a baron in England, that I hav met with, iz in a fragment of the laws of Canutus, king of England and Denmark, and even there, according to different copies, it iz read vironus, baronus, and thani. But that the barons are there ment, iz plain from the laws of William the conqueror; in which that word in the laws of Canutus iz tranſlated by *baro*. Take the whole paſſage. "Let the exercitals† be ſo moderated, az to be tolerable. An erl ſhall provide ſuch things az are fitting, eight horſes, four ſaddled and four unſaddled; four

* About the year 580.——† Heriots or reliefs.

four ſteel caps, and four coats of mail; eight javelins,* and az many ſhields; four ſwords, and two hundred mancae† of gold. But a kings *viron* or *baron*, who iz next to him, ſhall hav four horſes, two ſaddled and two unſaddled; two ſwords, four javelins, and az many ſhields, one ſteel cap, and fifty mancae of gold."

In the beginning of the Norman times, the valvaſors and thanes were reckoned in order and dignity, next to the erls and barons, and the greater valvaſors (if we may beleev thoze who hav written concerning feudal tenures) were the ſame that barons are now. So that baro may ſeem to hav come from that name; which time haz, by little and little, made ſomewhat ſmoother. But even then it was waz not a title of any great honor; for in thoze times there were erls who had their barons under them: And I remember, I hav red in the ancient conſtitutions of France, that there were ten barons under one erl, and az many cheeftans‡ under a baron. It iz likewiſe certain, that there are charters ſince the Norman conqueſt, wherein the erls write thus: "To all my barons, az well French az Engliſh, greeting, &c." Nay, even citizens of the better rank were called *barons*; ſo in domeſday book the citizens of Warwick are ſtiled *barons*; and the citizens of London, with the inhabitants of the cinque ports, had the ſame title given them. But a few years after, az ſenators of Rome were choſen according to their eſtates, ſo they were accounted *barons* with us, who held their lands by an entire barony, or thirteen knights fees, and one third of a knights fee, every fee (az we hav had it in ancient book) being computed at twenty pounds, which in all make four hundred marks; for that waz the value of one entire barony; and they who had land and revenues to this value, were wont to be ſummoned to parliament. *It ſeems to hav been a dignity, with juriſdiction, which our court-barons in ſome mezure ſhow.*§ *And the great number of barons iz an argument that they were ſuch lords who could hold*

* Lancææ.——† Poſſibly for *Mancuſæ*, i. e. thirty pence.

‡ Capatanei.

§ This opinion of the lerned Camden, adds no ſmall weight to my conjectures reſpecting the origin of trial *per pares*.

hold pleez within their own juriſdiction, (like thoze whom the Germans call free-heirs) eſpecially if they had their caſtles; for then they anſwered the definition of Baldus, the famous lawyer, who calls him a baron, that had a mere and mixt government in ſome caſtle, by the grant of the prince. And (az ſome would hav it) all who held baronies, ſeem to hav claimed that honor; ſo that ſome of our lawyers think, that baron and barony, erl and erldom, duke and dukedom, king and kingdom, were in the nature of conjugates. It iz certain, that in that age, king Henry III, reckoned one hundred and fifty baronies in England. From hence it iz, that in the charters and hiſtories of that age, almoſt all noblemen are ſtiled barons; a name, which in thoze times waz exceeding honorable; the baronage of England including in a manner all the prime orders of the kingdom, dukes, marquiſſes, erls and barons.

But that name haz been much more honorable ſince king Henry III, out of ſuch a multitude, which waz ſeditious and turbulent, ſummoned to parliament by writ, ſome of the beſt* only; "for he," (the words are taken out of an author of conſiderable antiquity) "after thoze great diſturbances and heart-burnings between himſelf, Simon de Montefort, and other barons, were laid; appointed and ordained, that all ſuch erls and barons of the kingom of England, to whom the king ſhould vouchſafe to direct hiz writs of ſummons, ſhould come to hiz parliament, and no others, unleſs their lord the king ſhould pleeze to direct other writs to them alſo." And what he began a little before hiz deth, waz ſtrictly obſerved by Edward the I, and hiz ſucceſſors. From that time they were only looked on as barons of the kingdom, whom the king by ſuch writs of ſummons had called to parliament; until Richard the II, in the eleventh year of hiz reign, created John de Beauchamp of Holt, baron of Herderminſter, by the delivery of a diploma, bearing date the tenth of October. From which time, the kings hav often conferred

* Optimos.

red that honor by diploma, (or rather honorary letters) and the putting on of an honorary long robe. And that way of creating barons by diploma, and the other of writs of ſummons, are in uſe at this day; tho they are mentioned therein not by the name of *baron*, but of *chevalier*. They who are thus created, are called barons of parliament, barons of the kingdom, and barons honorary, to diſtinguiſh them from thoze who are commonly called bårons according to the ancient conſtitution; az thoze of Burford and Walton, and ſuch az were barons to the counts Palatine of Cheſter, and of Penbroch, who were feudal, and barons by tenure only."

This account of Camden's, iz alone ſufficient to convince me, that my opinions are right reſpecting the origin and ſignification of the word *baron*. But this author cleerly miſtakes the meening in the paſſage quoted from Hirtius. "Caſſius uſed to hav *barons*, and a good number of *ſoldiers*, for ſudden occaſions." Inſted of mercenary ſoldiers, *barons* here meens the *comites*, retainers, who were choſen men, and who ſerved their cheef voluntarily. Theze attached themſelves to the perſon of the cheef, az a military guard; at the ſame time, they ſerved to gratify the pride of the hero: Hæc dignitas, hæ vires, ſays Tacitus.

I hav before remarked that it iz probable *bar* and *vir* are the ſame word. Camden tells us, the Greek Gloſſary tranſlates *baro* by ἀνηρ, and in the laws of William, the Norman, the *vironus*, *baronus* and *thanus*, found in the laws of Canute, are tranſlated by *baron* or *viron*. *B* and *v* are convertible letters, and theze facts amount to a convincing proof that *bar* and *vir* are the ſame word, or from the ſame root. The progreſs of the word iz this. Firſt it denoted a man or huſband, *vir*; afterwards a freeman or proprietor of land, *bar*, *baron*, *viron*; in proportion az the valu of lands encreeſed in Europe, the proprietors acquired welth and influence; they claimed excluſiv judicial powers on their manors, and thus the words *baron* and *peer* came to ſignify *judge*. Under the feudal ſyſtem, theze barons

ons became princes on their territories, ſubordinate only to the king or lord paramount. Power attends property, and theze barons finally aſſumed the right of controlling kings, and trampling on their tenants. Where the barons and princes combined, they eſtabliſhed deſpotic authority over the peeple; when they quarrelled, one party or the other had recourſe to the commons for aſſiſtance, and waz compelled to grant them conſiderable privileges.

The foregoing explanation of *baron* iz confirmed by another fact now exiſting. In law, a *huſband* iz called *baron* to this day, *baron* and *femme*, huſband and wife. Agreeable to this idea, the terms uſed in ancient infeudations by the tenant or vaſſal, were, *devenio veſter homo*; I become your *man*; that iz, your *baron*, in the feudal ſenſe of the word. And a jury, in conformity with the ſame idea, were anciently called *homagium*, the *homage*, or manhood; that iz, a court of *barons*, landholders or free tenants.

I would only remark further, that Camden iz probably miſtaken in ſaying the Britons diſown the word *baron*. In Welſh, *barn* ſignifies a judge, and there can be little dout that the word iz from the ſame original; being written without the vowel *o*, agreeable to the Hebrew manner.

Different nations are more or leſs inclined to uze the vocal ſounds and aſpirates, according to the different genius of their languages. So in Iriſh the word waz pronounced with an aſpirate, *barhon*, or *brehon*; for there iz little room to dout this old Iriſh word iz from the ſame root. At the time of the conqueſt of Ireland by Henry II, the Iriſh were governed by the *brehon law*, ſo ſtiled from *brehon*, the Iriſh name of judges.* We are alſo told that the ancient Iriſh had a cuſtom of deciding cauſes by *twelv* men†; and authors teſtify that the ſame practice exiſted in ancient Britain.‡ Their deciſion iz called by the erly writers, *duodecem virale judicium*. In ſhort the univerſality of this

* Blackſtone Com. Vol. I. 100.

† Lelands Introd. to Hiſt. of Ireland.——‡ L. L. Hoeli.

this word and the trial by twelv, iz a ſtrong proof, that all the nations of Europe ſprang from a common ſtock.*

Sir William Temple derives *barons* from the Ruſſian *boiarons*, and ſuppoſes the word to be of Gothic original. Hiz only inaccuracy iz, that he takes a modern derivativ for the primitiv root; whereas the Ruſſian *boiarons* itſelf iz derived from *bar*, az wel az *baron*. The authority of this judicious and lerned writer wil however confirm what I hav advanced in the foregoing pages; I ſhal therefore cloze my remarks with a paſſage from hiz works, vol. III. 363.

"I know very well how much critic haz been employed by the moſt lerned, az Eraſmus, Selden, Spelman, az well az many others, about the two words *baro* and *feudum*; and how much pains hav been taken to deduce them from the Latin and Greek, and even the Hebrew and Egyptian tungs; but I find no reezon, after all they hav ſaid, to make any doubt of their having been both the original of the Gothic or northern language; or of barons having been a term of dignity, of command, or of honor, among them, and feudum of a ſoldier's ſhare of land. I find the firſt uſed abuv eight hundred years ago, in the verſes mentioned of king Lodbrog, when one of hiz exploits waz to hav conquered eight *barons*. And tho fees or feuda were in uſe under later Roman emperors, yet they were derived from the Gothic cuſtoms, after ſo great numbers of thoze nations were introduced into the Roman armies. Az to the word *baro*, it iz not, that I find, at all agreed among the lerned, from whence to derive it; but what that term imports, it iz eaſy to collect from their ſeveral accounts, and confirm by what ſtil remains in all the conſtitutions of the Gothic government. For tho by *barons* are now ment in England ſuch az are created by patent, and thereby called to the houſe of lords; and *baron* in Spaniſh ſignifies only a man of worth or note, and the quality denoted by that title be different in the ſeveral countries of Chriſtendom; yet there

* See my Diſſertations on the Engliſh language, 313.

there iz no queſtion, but they were originally ſuch perſons az, upon the conqueſt of any country, were, by the conquering prince, inveſted in the poſſeſſion of certain tracts or proportions of free lands, or at leeſt az they held by no other tenure but that of military ſervice, or attendance upon their prince in war with a certain number of armed men. Theze in Germany, France, Scotland, ſeem to hav had, and ſome ſtil to retain, a ſovereign power in their territories, by the exerciſe of what iz called high and low juſtice, or the power of judging criminal az well az civil cauſes, and inflicting capital puniſhments. But I hav not found any thing of this kind recorded in England, tho the great barons had not only great number of knights, but even petty barons holding under them.

I think the whole relm of England waz, by William the conqueror, divided into baronies,* however the diſtinctions may hav been long ſince worn out; but in Ireland they ſtill remain, and every county there iz divided into ſo many baronies, which ſeem to hav been the ſhares of the firſt barons. And ſuch as theze great proprietors of land, compoſed, in all the north weſt regions (of Europe) one part of the ſtates (eſtates general) of the country or kingdom."

Sir William Temple proceeds then to giv hiz conjectures reſpecting the origin of the word *baron*. He remarks that Guagini, in hiz deſcription of Sarmatia, printed in 1581, calls all thoze perſons who were cheef poſſeſſors of lands and dignities, next to the prince, duke or palatine, in the vaſt empire of Muſcovy, by the common appellation of *boiarons*, now contracted into *boiars*. From this he ſuppoſes *baron* to be derived. It iz however much more probable that *baron* and *boiaron* had a common root in ſome period of remote antiquity; which afterwards ſpread into all parts of Europe.

With

* This iz not accurate. The thaneſhips or lordſhips of the Saxons, at the conqueſt, took the title of *baronies*; but the diviſions probably exiſted before.

With reſpect to trial by jury, Sir William remarks, Vol. III. 130, that this waz undoutedly of Saxon inſtitution, and continued thro all the revolutions in England. He ſays there are ſome traces of it in the firſt inſtitutions of Odin, the firſt great leeder of the Aſiatic Goths or Getæ into Europe. He mentions the council of twelv, eſtabliſhed by Odin, and thinks it probable theze twelv men were at firſt both *judges* and *jurors*; that iz, they were a court of arbitrators or referees, az we ſhould now ſtyle them, empowered to decide all cauſes according to equitable principles and the circumſtances of each caſe; and their determinations afterwards grew into precedent for their ſucceſſors. In proceſs of time and multiplicity of buſineſs, the matter of fact continued to be tried by twelv men of the naborhood; but the adjudgement of puniſhment and the ſentence waz committed to one or two perſons of derning or knowlege in the ancient cuſtoms, records and traditions. Thus, he obſerves, in the Saxon reigns, cauſes were adjudged by the aldermen and biſhop of the ſeveral ſhires, with the aſſiſtance of twelv men of the ſame county, who are ſaid to hav been judges or aſſiſtants. He allows, the terms *jury* and *verdict* were introduced by the Normans; but aſſerts very juſtly that trials by twelv men, with that circumſtance of their unanimous agreement, were uſed not only among the Saxons and Normans, but are known to hav been az ancient in Sweden, az any records or traditions in the kingdom; and the practice remained in ſome provinces of that country, til the late revolution.

POSTSCRIPT.

ON further examination of this ſubject, I am led to ſubjoin the following remarks, which are ſupported by the indiſputable authority of Glanville and Bracton.

I hav before ſuggeſted that the Saxons, prior to the conqueſt, conducted moſt of their important affairs in the county or ſheriffs court, where all the free tenants

were

were bound to attend. Theze free tenants conſiſted of the leſſer barons, the knights and ſokemen, or ſoccage tenants who had freehold eſtates. Theze freeholders were, by the nature of their eſtates, the *pares curtis*; they were the proper and ſole *judges* of all cauſes triable at the county court, which included almoſt all civil actions, and they were denominated in Saxon, *lahmen*, lawmen. The county court, thus compoſed of all the freeholders in the ſhire, waz a tribunal of great conſequence, and inferior only to the witena-gemote, or national aſſembly. The Latin riters called theze freemen *pares curtis* and *ſectatores*, *peers of court* and *ſuitors*. *Curtis* iz a Saxon word latinized,* like *warrantizo murdrum*, and hundreds of other law terms; and there iz little dout that *pares* iz a word of ſimilar origin.

But what places the point I would eſtabliſh, beyond controverſy, iz, the *pares curtis* were in fact of different ranks. The knights or leſſer barons, az well az the common ſoccage tenants, were included in the term *pares curtis*; for they were bound to do ſuit and ſervice in the court of the lord paramount. Another fact iz of equal weight in the argument: Theze *pares*, in the county court, tried all real actions between the nobility. In the cauſe of Odo, Biſhop of Bayeux, and archbiſhop Lanfranc, in the reign of William the conqueror, the king directed *totum Comitatum conſidere*. Many ſimilar inſtances might be cited, were it neceſſary. Theze noblemen were tried by the *pares curtis*, the peers of the county court; but who ever ſaid they were tried by their *equals*?

The Norman princes attempted to diſcountenance theze ſhire motes of the Saxons, and ſubſtitute the trial of facts by twelv *juratores*, men ſworn to ſpeek the truth. In the reign of Henry II, the trial by jurors had become common, if not general. Queſtions of *ſeiſin* were tried by twelv common freeholders; but queſtions of *right* were tried by twelv knights; the ſheriff ſummoning *four* knights who elected the *twelv*.

I would

* *Curtis*, *court* and the Spaniſh *Cortez* are all the ſame word.

I would here remark that the principal original reezon for ſummoning freeholders *of the vicinage*, waz that of their ſuppoſed perſonal knowlege of the fact in diſpute. The *jurors* were properly the *witneſſes*. This iz evident from circumſtances and from the poſitiv teſtimony of the erly law-riters. The firſt mention of a proper jury, in any public act, iz in the conſtitutions of Clarendon, 1164, where the ſheriff iz directed, *quòd faciat jurare duodecim legales homines de vicineto, ſeu de villa, quòd inde veritatem ſecundum conſcientiam ſuam manifeſtabunt.* It iz ſaid in old writers that the jury *muſt ſpeek the truth, if they know it.* If the twelv men firſt ſummoned knew the truth, they were compelled to declare it, under the penalty of perjury. If ſome knew the facts and others did not, the latter were diſmiſſed and others ſummoned, till twelv were found who knew the facts, ether by what they had ſeen and heerd themſelves, or from ſuch teſtimony of their fathers and others, az gained full credit.

Without attending to juries in this light, the laws reſpecting them appeer beyond meaſure abſurd and tyrannical. Their being *ſworn to ſpeek the truth*, would be abſurd on any other ground; for had they judged of facts on *teſtimony*, they would hav been ſworn to declare *their opinion*, and not the *truth*. Their *verdict*, *vere dictum*, derives its name and propriety from the ſame circumſtance; and the preſent practice of ſwearing them to "a tru verdict giv," when they judge of facts only by the perhaps contradictory teſtimony of ſeveral witneſſes, iz, ſtrictly ſpeeking, abſurd.

The keeping juries, without meet, drink or fire, can be accounted for only on the ſame idea; it waz a method to compel an agreement among men, who were *acquainted with facts*, ſome of whom might at times be obſtinate, and not willing to diſcloſe them. But how ridiculous would it be to puniſh men for not agreeing *in opinion*, about what others teſtified!

All this iz ſtill more evident from the manner in which many queſtions reſpecting real eſtates were aſcertained and determined. It waz cuſtomary for the jurors,

jurors, after they were choſen, to go upon the land to find the tru ſtate of the fact in queſtion, and then deliver their verdict. Hence the propriety of the expreſſion in cloſſing iſſues; *and this he prays may be enquired of by the country.*

I would obſerve further, that the reezon, why appeels from the verdict of a jury were not allowed, iz ſimply this, that the jurors were ſuppoſed to hav decided from their *own knowlege.* It waz certainly a wiſe proviſion that the ſolemn declaration of men under oath, living in the naborhood, and eye or eer witneſſes of the recent tranſactions between the parties, ſhould not be overthrown by other teſtimony; for all other evidence muſt hav neceſſarily been of an inferior nature. But the reezon haz ceeſed, and there iz now nothing more ſacred in the verdict of a jury, given on the teſtimony of others, than there iz in the opinions of arbitrators, referees or auditors under oath. The laws reſpecting juries are all founded on the idea that the men were acquainted with the facts in diſpute. Their verdict waz formerly a *declaration of facts*; it iz now a mere *matter of opinion.* In ſhort, the original deſign of the inſtitution iz totally changed, and moſtly ſuperſeded. Since juries rely on teſtimony, they need not be collected from the *vicinage*; it iz even ſafer to hav men who are ſtrangers to both plaintiff and defendant. Jurors cannot be puniſhed for *perjury*, for how can a man *perjure* himſelf in giving hiz *opinion?* They cannot be ſtarved to deth, nor carted about town for diſagreement; for how iz it poſſible for twelv men always to *think alike*, when they hav to form their opinions on claſhing teſtimonies? In ſhort, juries do not now anſwer one of the purpoſes for which they were at firſt inſtituted; and however neceſſary they may be deemed to the preſervation of civil liberty, it appeers to me they are, in a great meaſure, uſeleſs.

I cannot leev this ſubject without remarking the influence of habit, in maintaining *forms*, when the *ſubſtance* no longer exiſts. This iz neerly the caſe with the whole inſtitution of juries; but particularly in the manner

manner of adminiſtering the oath to them. The practice of ſwearing the foreman and the other jurors ſeparately, ſtill exiſts in ſome of theze ſtates, altho the reezon no longer remains. It originated in the manner of delivering the verdict, which waz, for every juror ſeparately to anſwer the interrogatories of the judge. While this practice remained, it waz very proper that eech juror ſhould take a ſeparate oath; altho this formality iz diſpenſed with, in adminiſtering the oath to witneſſes, in modern courts; the words, "*you* and *eech of you* ſwear," being ſubſtituted for a ſeparate adminiſtration of the oath.

No. XXIV.

HARTFORD, SEPTEMBER, 1789.

The INJUSTICE, ABSURDITY, *and* BAD POLICY *of* LAWS *againſt* USURY.

USURY, in the primitiv ſenſe of the word, ſignifies any compenſation given for the uſe of money; but in modern legal acceptation, it iz the taking an exorbitant ſum for the uſe of money; or a ſum beyond what iz permitted by law. The municipal laws of different ſtates and kingdoms hav fixed different rates of intereſt; ſo that what iz uſury in one country or ſtate, iz legal intereſt in another. The propriety of ſuch laws iz here called in queſtion.

1. It iz preſumed that ſuch laws are *unjuſt*. Money iz a ſpecies of commercial property, in which a man haz az complete ownerſhip, az in any other chattel intereſt. He haz therefore the ſame *natural* right to exerciſe every act of ownerſhip upon money, az upon any other perſonal eſtate; and it iz contended, he ought to hav the ſame *civil* and *political* right. He ought to hav the ſame right to trade with money az with goods; to ſell, to loan and exchange it to any advantage whatever, provided there iz no fraud in the buſineſs, and the minds of the parties meet in the contracts. The legiſlature haz no right to interfere with private contracts, and ſay that a man ſhall make no more than a certain profit per cent on the ſale of hiz goods, or limit the rent of hiz houſe to the annual ſum of forty pounds. This poſition iz admitted for ſelf evident, az it reſpects every thing but money; and it muſt extend to money alſo, unleſs it can be proved that the privilege of uſing money in trade or otherwiſe without reſtraint, and making what profit a man iz able by fair contract, with gold and ſilver, az well az with houſes and lands, will produce ſome great public inconvenience,

ence, which will warrant the ſtate in laying the uſe of ſuch gold and ſilver under certain reſtrictions.*

The only reezon commonly given for limiting the intereſt of money by law, iz, that monied men will otherwiſe take advantage of the diſtreſſes of the poor and needy, to extort from them exorbitant intereſt. Admit the propoſition in its utmoſt latitude, and it furniſhes no argument in favor of the reſtraint, *becauſe the reſtraint iz no remedy for the evil.* On the other hand, it generally increaſes the evil; for when the law forbids a man to take more than ſix per cent. for the uſe of hiz money, it, at the ſame time, leevs him the right of withholding hiz money from hiz diſtreſſed nabor, and actually lays before him the ſtrongeſt motivs for withholding it. The law tuches the pride of a man, by reſtraining what he deems an unalienable right, and this conſideration, added to a certainty of employing hiz money to greater advantage, impels the man to turn a deef eer to hiz nabors calamities, when he would be otherwiſe diſpoſed to afford relief. The law therefore, ſo far from furniſhing a remedy, actually doubles the evil.

To proov this aſſertion more cleerly, let me call the attention of my reeders to facts within their knowlege. Every man knows that there are perſons in every ſtate, who, thro imprudence, idleneſs or misfortune, become involved, and unable to pay their dets when du. Theze perſons ſeldom make proviſion for diſcharging their dets, till they are preſſed by their creditors. When they are urged by juſt demands or legal proceſs, they

* In a converſation I had at Dr. Franklin's on this ſubject, the doctor admitted the principle, and remarked, that a man who haz 1000l. in caſh, can loan it for ſix per cent. profit only; but he may bild a houſe with it, and if the demand for houſes iz ſufficient, he may rent hiz houſe for fifteen per cent. on the value. This iz a fair ſtate of the argument, and I challenge my antagoniſts to giv a good reezon for the diſtinction which the laws make in the two caſes; or why a man ſhould hav an unreſtrained right to take any ſum he can get for the uſe of hiz houſe, and yet hiz right to make profit by the loan of money, be abridged by law.

they are under a neceſſity of raiſing money immediately: But money iz ſcarce; it iz in a few men's hands, who will not pay the full valu of lands or perſonal eſtate. The poor detor iz then obliged to ſell hiz farm or hiz cattle, or both, at private ſale or at auction, for any price they will fetch, which iz commonly but a ſmall part of the valu. Now, if the detor could hav borrowed a ſum of money, at ten, fifteen, or even twenty per cent. he might hav been a gainer by the loan; for by being prohibited by law from borrowing money, at a high intereſt, he haz been obliged to ſacrifice twenty, perhaps fifty or a hundred per cent. Laws againſt uſury do not help ſuch men; on the contrary they oppreſs them. Could ſuch men get money even at twenty per cent. they would often be benefited by the loan; they might ſave their eſtates and avoid miſery and ruin. A prohibition of high intereſt only compels the diſtreſſed to ſeek releef by ſacrificing property in a way not guarded againſt by law. Nay, I beg leev to aſſert that ſuch laws are the very meens of producing, ſupporting and enriching a hoſt of oppreſſors in every ſtate in America. There are a few men, in every ſtate, who are what iz called *beforehand*; theze men will not loan money at legal intereſt, for this very good reezon, they *can do better with it*, az they ſay; and no man can blame another for making the moſt profitable uſe of hiz money. Theze men therefore keep their money, till their diſtreſſed nabor iz forced by det to ſell hiz farm; then iz the time to lay out their money; they get the farm at their own price, which iz generally leſs than half its valu. In moſt ſtates, lands are ſold at auction, where they are ſacrificed; and the poor owner haz all the charges of a legal ſuit to pay, az wel az the det; and the land ſold for a ſmall part of its valu. This iz the common practice, authorized by law; ſo that laws againſt uſury only *create* an evil in one way, by endevoring to *prevent it* in another.

The evil and hardſhips of this law, of ſelling real eſtate on execution, hav been ſo great, az to giv riſe to a different mode of ſatisfying executions in Connecticut.

ſut. In this ſtate, a man's perſon and eſtate are both liable for det; but if the perſonal eſtate iz inſufficient, the creditor haz hiz election, ether to confine the dettor in priſon, or take hiz lands. But the law, which iz ſo far in favor of the creditor, here ſteps in to prevent a ſacrifice of the real property at public ſale; and ordains that the creditor ſhall take it at a value, which ſhall be apprized by three indifferent freeholders. This law does injuſtice to the creditor; for it interferes with the contract, and obliges him to take that for pay which he did not engage to receev. But it favors the dettor, in a ſtate where money iz ſcarce and cannot be eezily raized on an emergency. So far one law, by doing injuſtice to creditors, corrects ſome of the ill effects of the law againſt high intereſt in Connecticut; but the remedy iz partial, for men in diſtreſs for money, generally ſell their eſtates at private ſale, for one half their valu; and a few monied men and rich farmers are conſtantly taking advantage of their nabors calamities, to enrich themſelves. Such men make more than fifty per cent. per ann. on their money by theze ſpeculations, and no law can wholly prevent them. Now laws againſt uſury create this very evil: They drive money from a country; they create a neceſſity for it; and then a few welthy men enrich themſelves, not by loaning at fifteen or twenty per cent. but by purchaſing lands at half price, which are ſold to keep men from jail, who, if they could hav got money for a few months, at twenty per cent. might hav ſold their eſtates to advantage, or otherwiſe paid their dets. In general then we may obzerv, when a man iz reduced to the neceſſity of aſking money at twenty per cent, hiz ſituation iz ſuch that it iz better to giv that intereſt, than to riſk a ſale of property on a ſudden to raize the money. Laws againſt uſury do not ſave ſuch men; it iz idle to ſuppoſe it; on the contrary, they multiply inſtances of oppreſſion, az all America can witneſs.

But the argument, if good, proovs too much. If legiſlators hav a right to fix the profit on money at intereſt, to prevent exorbitant demands from injuring the

neceſſitous, wil not the ſame reezon warrant a reſtriction on the profits of every commodity in market? If my rulers hav a right to ſay, my annual profit on money loaned, ſhal be but ſix per cent. hav they not a right to ſay the advance on my wheet ſhal be but ſix per cent.? Where iz the difference? A poor man may indeed be diſtreſſed by a demand of high intereſt, and ſo he may by the high price of flour; and I beg leev to ſay, that diſtreſſes from the laſt cauſe are infinitely the moſt numerous, and the moſt deſerving of legiſlativ remedies. It wil perhaps be ſaid that the price of bred, in all cities, iz fixed by law—tru; but if the price of wheet iz not likewiſe fixed, there are times of ſcarcity when the law muſt vary the price, or the baker muſt be ruined, and the poor be deſtitute of bred. In an extenſiv fertile country, like America, ſuch caſes may not happen frequently; but the actual exiſtence of the fact proovs that ſuch laws rather *follow* the ſtate of the market, than *regulate* it. And indeed it iz a queſtion, whether in this country, the citizens of our large towns would not be ſupplied with bred at a cheeper rate, without any regulations at all.

2. But the *abſurdity* and *bad policy* of laws againſt uſury, are ſo obvious, that it iz ſurprizing ſcarcely an attempt haz been made to aboliſh them in any country. Such laws are abſurd and impolitic, becauſe they actually and always produce and multiply the diſtreſſes they are deſigned to remedy. It iz impoſſible it ſhould be otherwiſe: The very laws of nature and commerce require that ſuch reſtraints ſhould neceſſarily counteract their own deſign. It iz neceſſary that commodities ſhould be ſometimes plenty and ſometimes ſcarce; and it iz equally neceſſary that money, the repreſentativ of all commodities, ſhould be liable to the ſame fluctuations. In the commercial world, money and commodities wil always flow to that country, where they are moſt wanted and wil command the moſt profit. The conſequence iz that a high price ſoon produces a low price, and vice verſa.

Let

Let us apply the principle to the preſent queſtion. When money can bear its own profit, its profit or the intereſt ariſing on loans, wil be in proportion to the profit made in commercial tranſactions. If a man can make *twelv per cent.* on hiz ſtock, in any kind of trade or ſpeculation, he wil not convert that ſtock into caſh, and loan it at *ſix per cent.* While therefore commerce or ſpeculation wil afford a man greater profits, than the law affords him on hiz loans of caſh, he wil hav no money to lend. The conſequence iz, while the law fixes the rate of intereſt lower than the annual profits of other buſineſs, a country wil be deſtitute of money.

This iz preciſely the caſe in America. Our remittances to Europe and the Eaſt Indies require conſiderable ſums in ſpecie to be exported; and the merchant wil not import ſpecie, except to facilitate the purchaſe of hiz cargoes in America. He will not import it for the purpoſe of loaning, becauſe hiz ſtock in trade affords a better profit. The few landholders who hav a little caſh abuv their annual expenditures, wil not loan it; for they can make twelv, fifteen, eighteen per cent. on their money by the purchaſe of certificates, and more on the purchaſe of lands. There are therefore no motivs, no inducements, for the welthy citizens to loan money, and conſequently when a man iz diſtreſſed to make a payment, he iz compelled to ſacrifice property to perhaps five times the valu of the det; becauſe the law will not permit hiz nabor to take twelv or fifteen per cent. per ann. for the loan of money, a few months; when he haz the money, and would gladly releev hiz frend, if he could receev an adequate compenſation.

Thus laws againſt uſury drive caſh from a country. They really and continually create a ſcarcity of an article, and then reſtrain men from raizing the price, in proportion to that ſcarcity. They create diſtreſſes of the poor, and at the ſame time, create an impoſſibility of releef. Were money left, like all kinds of commodities, to command its own price in market; whenever its price ſhould rize abuv the uſual cleer profit of other buſineſs,

buſineſs, men would import ſpecie, or turn their ſtock into caſh, and loan it on good ſecurity; for no man would ſubmit to the drudgery of buſineſs, if he could make money az faſt by lying ſtil, with hiz money at intereſt. Had money been permitted to bear its own price according to the demand for it in America ſince the war, it would hav been kept in the country, or introduced til the rate of intereſt had fallen, even below the legal ſtandard. Limit the profit on any article of life, and ſet the price ſo low that peeple can make more by deeling in other articles, and the articles ſo fixed wil become ſcarce and deer. Were the legiſlatures of the ſeveral ſtates to ſay that our traders ſhould make but one per cent. on ſalt, they would not bring cargoes of it to the country. It would be az ſcarce az money iz now. Let the price of wheet be fixed at half a dollar a buſhel, and in two years we ſhould not hav a buſhel in market. It iz the ſame caſe with money. The low profits on the uſe of money, expel it from the country, and none can be obtained at the legal price. Let the intereſt rize to any ſum which can be obtained, and in two years, it would be az eezy to borrow money at a low intereſt, az it iz now difficult to command it at any price. The laws of nature wil continue to opperate, in ſpite of the feeble oppoſition of human power.

Another conſideration demands our notice. The laws againſt uſury increaſe the diſtreſſes of the needy, by enhancing the riſk, and conſequently the inſurance on loans.* It iz fruitleſs to attempt to prevent loans of money. When men are preſſed for money, they can always find perſons to ſupply them, upon *ſome* terms. But az a loan of money at a higher rate of intereſt than iz allowed by law, expoſes the lender to a loſs of the money, and a fine or forfiture beſides, hiz demand for the uſe of hiz money wil rize in proportion to that riſk.

This

* See Blackſtone on this ſubject, Com. Vol. II. 455, where the author's reezoning holds good, whether againſt fixing the value of horſe hire or money lent. All exorbitant demands are unjuſt *in foro conſcientiæ*; but what right haz a legiſlature to fix the price of money loaned, and not of houſe-rent?

This haz always been one of the moſt pernicious effects of ſuch laws. So that the law, not only creates a ſcarcity in the firſt inſtance, but actually raizes the demand of intereſt much abuv the natural demand required by that ſcarcity. In ſhort, inſted of releeving the detter, it multiplies hiz diſtreſſes four fold.

Beſides, ſuch laws, like all national reſtrictions on trade, tend to make men diſhoneſt, in particular things, and thus weeken the powers of the moral faculty. There are ten thouſand ways of evading ſuch laws, and ſlight evaſions gradually produce a habit of violating law, and harden the mind againſt the feer of its penalties. Indeed, ſuch laws tend to undermine that confidence which iz the baſis of ſocial intercourſe. Laws which encourage *informations*, ſhould be enacted with caution. Such are laws againſt uſury. A man haz often the ſtrongeſt temptation to be a treecherous raſcal, by inducing hiz frend to loan him money, on illegal intereſt, and then betraying him. This ſpecies of villany waz lately carried ſo far in Maſſachuſetts, az to induce the legiſlature to repeel a clauze of their law againſt uſury. And a man of morality muſt ſhudder, while he reeds the legal proſecutions and adjudications in England upon their ſtatutes of uſury.

The abſurdity of attempting to *fix the valu of money* iz another objection to it of no ſmall conſequence. The valu of it depends wholly on the quantity in circulation and the demand. In this reſpect it reſembles all other articles of trade; and who ever thought of fixing the price of goods by law?* It iz almoſt impoſſible for a legiſlature to aſcertain exactly the valu of money at any one time; and utterly impoſſible to ſay that the valu when aſcertained, ſhall continu the ſame for ſix months. Nay, two ſtates adjoining eech other may eſtimate the uſe of money very differently at the ſame period. In New York the legal intereſt iz ſeven per cent. in New England but ſix. A man may therefore do that legally

* The legiſlatures of ſeveral ſtates during the late war, were raſh enough to make the attempt; and the ſucceſs of the ſcheme waz juſt equal to the wiſdom that planned it.

ly in one ſtate, which in the others would expoze him to a ſevere penalty.

In ancient Rome, the intereſt waz twelv per cent. The emperor Juſtinian reduced it to four, but allowed higher intereſt to be taken of merchants, on account of the riſk. In Holland, when Grotius wrote, the common intereſt waz eight per cent.; but twelv to merchants. In England, the ſtatute 37th, Henry VIII, confined intereſt to *ten* per cent. By the 21ſt James I, it waz reduced to eight; by the 12th Charles II, to ſix; and by 12th Ann, to five, the preſent legal intereſt in that country.*

Poſtlethwaite remarks very juſtly that theze laws hav not aſcertained the real valu or intereſt of money; for when the legal intereſt haz been ſix per cent. the real intereſt haz ſometimes been four; and when the legal intereſt haz been five, the real intereſt haz ſometimes been ſeven. Indeed the intereſt of money depends on ſuch a combination of circumſtances, az the ſcarcity of money, the demand in market, and the hazard, that an attempt to find and fix a permanent rate, iz one of the moſt viſionary ſchemes that a public body can undertake. To proov the impoſſibility of ſuch a ſcheme, I would only mention the continual practice of violating laws againſt uſury; which would not be the caſe, if the real valu of money had been aſcertained and fixed.† If legiſlatures had found the tru valu of the uſe of money, there would hav been fewer violations of their laws: If they hav, in any caſe, fixed a rate of intereſt lower than the real valu, they hav violated the rights of their ſubjects. This iz a ſerious conſideration; and perhaps in no inſtance are the laws of England and America more ſtrongly marked with the traces of ancient

* Blackſtone Vol. II. 462.

† What are marine inſurances, bottomry, loans at reſpondentia and annuities for life, but exceptions to the general law againſt uſury? The neceſſity of higher intereſt than common iz pleeded for theze exceptions. Very good; but they proov the abſurdity of attempting to fix that, which the laws of nature and commerce require ſhould be fluctuating. Such laws are partial and iniquitous.

cient prejudice and barbarity, than in the prohibition which prevents a man from uſing hiz *money* az he pleezes, while he may demand any ſum whatever for the uſe of hiz other property.

The only power, I conceev, a legiſlature haz to determin what intereſt ſhall arize on the uſe of money, or property, iz where the parties hav not determined it by agreement. Thus when a man haz taken up goods upon credit, or where, by any other legal meens, a man becomes poſſeſſed of anothers money or eſtate, without a ſpecific ſtipulation for intereſt, the law very properly ſteps in and aſcertains the ſum which the detter ſhall pay for the uſe of that money. But to make a law that a man ſhall not take but ſix per cent. for the uſe of money, when the borrower iz willing to giv more, and the lender cannot part with hiz money at that rate of intereſt, iz a daring violation of private rights, an injury often to both parties, and productiv of innumerable embarraſſments to commerce.

We are told that ſuch laws are neceſſary to guard men from the oppreſſion of the rich. What an error! Waz a monied man ever compelled to aſſiſt a diſtreſſed nabor, by the forfitures incurred by ſuch laws? Iz not hiz money hiz own? Wil he lend it all, if it ſhould not be for hiz benefit? Beſides, cannot a man in neceſſity alienate hiz property for one fourth of its valu? Are not ſuch bona fide contracts made every day to raize money to anſwer a temporary purpoſe? Nay, hav not the laws of all commercial ſtates authorized *ſales by auction*, where any man may part with hiz property for a fourth of its valu? Iz there any remedy in law againſt ſuch a ſacrifice of a man's eſtate? Wherein then conſiſts the ſecurity of laws againſt uſury? In the name of common ſenſe and common equity, let legiſlators be conſiſtent. If men are improvident, lazy and careleſs, a loſs of property wil be their puniſhment, and no mezures of government wil prevent it.

To what then ſhall we aſcribe the ſevere laws againſt high intereſt, which hav been and ſtil are exiſting in moſt commercial countries? I preſume the cauſe may

be

be eaſily aſſigned. The Jewiſh prohibition, not to take intereſt, except of ſtrangers, firſt gave riſe to douts in the minds of our pious chriſtian forefathers, with reſpect to the legality of any intereſt at all. This produced, in the dark ages, ſevere eccleſiaſtical laws againſt taking any thing for the uſe of money; and theze laws originated a general prejudice againſt it, thro the Chriſtian world.

In the twelfth and thirteenth centuries, commerce began to revive; but az there waz but little money, and trade waz lucrativ, becauſe in few hands, money bore a very high intereſt. In ſome parts of Europe, the intereſt waz forty per cent. Even with this intereſt, certain Italian traders could make an annual profit, and therefore it waz for their benefit to giv it. It however rendered them very unpopular.*

The Jews, for their infidelity, had been conſidered by the Chriſtians az outcaſts on earth. Severe laws were enacted againſt them in almoſt every country; depriving them of the rights of citizens, and forbidding them to hold real eſtates. Proſcribed and inſulted, the poor Jews were compelled to turn their *hand againſt every man* in their own defence. They commenced ſtrolling traders and bankers, and by theze meens commanded a large ſhare of the money in every kingdom.

With this command of caſh, the Jews very juſtly compenſated themſelves for the injuries they ſuffered from the tyrannical laws which exiſted againſt them. They loaned money at the higheſt rate of intereſt they could obtain. Hence the general karacter of the Jews, and the prejudice againſt them that ſurvives to this enlightened period.

It iz very probable, that before the diſcovery of the American mines, money waz ſo ſcarce in Europe, that a few brokers in eech kingdom might engroſs ſuch a ſhare, az to hav it in their power to oppreſs peeple. This waz evidently the caſe in England, about the reign of Edward I, and the parliament thought proper to interfere and reſtrain the evil. Laws againſt uſury were

* Robertſons Charles V. Vol. I. 289.

were doutleſs neceſſary and uſeful at that time. But ſince the world haz been filled with gold and ſilver from South America, and nations hav opened an intercourſe with eech other, there never can be a want of ſpecie, where a country can ſupply produce enough to exchange for it. It haz become a mere fluid in the commercial world; and in order to obtain a ſupply, in a country abounding with produce and manufactures, the legiſlature haz nothing to do, but let it bear its own price; let it command its own valu, ether at intereſt, or in exchange for commodities.

Laws againſt uſury therefore I conſider az originating ether in the neceſſity of the times, which long ago ceeſed, or in a bigotted prejudice againſt the Jews, which waz az barbarous formerly, az it iz now infamous. Laws reſtraining the intereſt of money I now conſider, in the ſame light, az I do laws againſt freedom of conſcience. And were it not for the force of habit, I ſhould az ſoon expect to ſee a modern legiſlature ordering a pious ſectary to the ſtake for hiz principles, az to ſee them gravely paſſing a law, to limit the profit on the uſe of hiz money. And unleſs the legiſlatures of this enlightened age ſhould repeel ſuch laws, and place money on a footing with other property, they will be conſidered az acceſſory to a direct violation of the deereſt rights of men, and will be anſwerable for more frauds, perjuries, treechery and expenſiv litigations, than proceed from any other ſingle cauſe in ſociety. I am ſo firmly perſuaded of the truth of theze principles, that I venture to predict, the opinions of men will be changed in leſs than half a century, and poſterity will wonder that their forefathers could think of maintaining a poſition ſo abſurd and contradictory, az that men hav no right to make more than ſix per cent. on the *loan of money*, while they hav an indefeezable right to make unlimited profit on their money in any other manner. They will vew laws againſt uſury in the ſame light that we do the inquiſition in Spain, the execution of gypſies and witches in the laſt century,

or

or thoze laws of England which make 100l. annual income neceſſary to qualify a man for killing a partridge, while they allow *forty ſhillings* only to qualify him for electing a knight of the ſhire.

No.

No. XXV.

HARTFORD, OCTOBER, 1789.

On ALLEGIANCE.

WRITERS on law divide allegiance into two kinds, *natural* and *local*. "Natural allegiance iz ſuch az iz du from all men born within the kings dominions, immediately upon their berth. For immediately upon their berth, they are under the kings protection; at a time too when (during their infancy) they are incapable of protecting themſelves. Natural allegiance iz therefore a det of gratitude, which cannot be forfeited, cancelled or altered, by any change of time, place or circumſtances; nor by any thing but the united concurrence of the legiſlature. An Engliſhman who removs to France or to China, owes the ſame allegiance to the king of England there az at home, and twenty years hence az wel az now. For it iz a principle of univerſal law, that the natural born ſubject of one prince cannot by any act of hiz own, no, not by ſwearing allegiance to another, put off or diſcharge hiz natural allegiance to the former; for hiz natural allegiance waz intrinſic and primitiv and antecedent to the other, and cannot be deveſted, without the concurrent act of that prince to whom it waz firſt du. Indeed the natural born ſubject of one prince, to whom he owes allegiance, may be entangled by ſubjecting himſelf abſolutely to another; but it iz hiz own act that brings him into theze ſtraits and difficulties, of owing ſervice to two maſters; and it iz unreezonable that, by ſuch voluntary act of hiz own, he ſhould be able at plezure to unlooſe thoze bands by which he iz connected to hiz natural prince."*

I miſtake much, however, if the natural born ſubject would be ſo much *entangled with hiz ſtraits and difficulties*,

* Blackſtone Com. Vol. I. 369.

ties, az lord Coke, Hale and Blackſtone, would be, to ſupport their aſſertions and obviate the abſurdities of their reezoning.

It iz aſtoniſhing to obſerve how ſlowly men get rid of old prejudices and opinions. The feudal ideas of allegiance, which make *fidelity in the ſubject an obligation or grateful return for the protection of the prince*, ſtil prevail, and are made the baſis of all modern reezoning on the ſubject. Such ideas in the dark ages, and in the days of feudal deſpotiſm, are not to be wondered at. Every baron waz a tyrant on hiz manor, and az hiz only ſafety conſiſted in hiz caſtle and hiz vaſſals, it waz neceſſary to bind hiz ſubjects to him by oaths and ſuperſtition, az wel az by a demand upon their gratitude. But wil our ſage writers on government and law, forever think by tradition? Wil they never examin the grounds of receeved opinions? Let me enquire

What iz the real ground of *allegiance?* Iz it not *protection?* Not at all. We may juſt az wel invert the propoſition, and ſay, that *allegiance* iz the ground of *protection*. A prince iz the repreſentativ of a nation or ſtate, ſo that allegiance to him, iz merely allegiance to a ſtate or body politic.* According to our ideas, allegiance to a king, and fidelity to a ſtate, are the ſame thing; for detach a king from all connection with a nation or ſtate, and he becumes a private man, and entitled only to the rights of ſuch. This at leeſt iz the opinion of an *American*, whoſe mind iz not biaſſed by perſonal attachments to a ſovereign.

What then iz the ground of fidelity to a ſtate? The anſwer iz eezy; the *moral law*, which haz for its object the *good of ſociety*. This iz the baſis of all obligations in a ſtate, whether expreſs or implied; yet writers on this ſubject hav hardly mentioned it. Blackſtone indeed takes notice of an implied, original allegiance, antecedent to any expreſs promis; but ſeems rather to conſider

* Blackſtone remarks that allegiance iz applicable, not only to the political capacity of the king, or regal office, but to hiz *natural perſon* and *blood royal*. I would aſk then what *blood royal* there can be in a man, except in hiz *kingly capacity?*

conſider it az a return for the duties of the ſovereign, which he owes before coronation, than az an obligation ariſing from the very conſtitution of ſociety.

Taking the moral law or the good of ſociety for the ground of all allegiance, we diſcuver two ſpecies of duties to be performed by every man; the *moral duties*, which exiſt at all times and in all places; and certain *political duties*, required by the municipal laws of eech ſtate. The firſt are the baſis of natural or perpetual allegiance; the laſt, of local allegiance. The firſt or moral duties create an obligation upon every man, the moment he iz born, which cannot be cancelled or diſcharged by any act of an individual, or by any agreement between prince and ſubject; the laſt, or political duties, impoze an obligation upon every member of a ſtate or body politic, the moment he ſteps within its juriſdiction, to ſubmit peaceably to ſuch poſitiv injunctions of that ſtate, az hav been judged neceſſary for its welfare.

Now to maintain that an oath of allegiance wil bind a man to perform all the laſt claſs of duties, or the poſitiv duties enjoined by a particular ſtate, and not required by the general laws of ſociety, when the man haz perhaps become a member of another ſtate, three thouſand miles diſtant, iz to defend the wildeſt notions that can poſſeſs any man's brain. Every man iz bound always and in all places to *do right, and avoid doing rong*; and this with, or without taking an oath of fidelity to any ſtate. This iz implied allegiance, univerſal and perpetual; and I deny that there iz any other ground of this allegiance, except the univerſal principles of right and rong.

Should it be ſaid, that a man may bind himſelf *by oath* to perform the poſitiv or political duties required by a ſtate, altho he may remoov and become a citizen of another ſtate; I anſwer, this wil involv him in the *ſtraits* and *difficulties* mentioned by Blackſtone; for the political duties of the two ſtates may interfere with eech other. The truth iz, a man haz no right to take ſuch an oath, nor haz a ſtate any right to require it.

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He may ſwear, when he enters into any kingdom or ſtate, that he wil be a good citizen, and ſubmit to all the laws of the ſtate, *while he iz a member of it*; and further, that he wil obſerve the moral law in hiz conduct towards that ſociety, after *he haz ceaſed to be a member of it.* Further than this, he haz no right to ſwear. Az to every duty, not required by the laws of ſociety in general, but only by the municipal laws of a ſtate, a man's allegiance commences when he enters that ſtate; and ceeſes the moment he leeves it.* The doctrin of a perpetual allegiance iz wholly a feudal idea; inculcated, when every lord waz at war with hiz nabor; and waz compelled by ſelf preſervation to attach hiz vaſſals to himſelf by oaths, the penalties of perjury and the forfeitures of treezon.

Blackſtone ſays, in the paſſage already quoted, "that natural allegiance iz a det of gratitude," becauſe the ſubject iz under the kings protection while an infant. He might juſt az wel ſay, *protection iz a det of gratitude* du from the prince, becauſe the ſubject iz born in hiz dominions. On this principle of gratitude, a child iz obliged to obey and ſerve hiz parent, after he haz left hiz family, and while he livs. This det, according to the ſame author, cannot be cancelled, but *by* "*concurrence of the legiſlature.*" How in the name of reezon, can an act of the legiſlature diſſolv a *natural tie?* How can it *cancel a det of gratitude?* Common ſenſe looks with diſdain on ſuch week and futile reezoning. But if there iz ſuch a thing az natural and perpetual allegiance, an Engliſhman, who removs to France, cannot take arms to defend France againſt an invaſion from England. Is this agreeable to the laws of nature and ſociety, that a man ſhould not protect himſelf and hiz property? It wil be ſaid that the man iz within the Engliſh king's liegeance, and entitled to hiz protection. But the king cannot protect him; it iz beyond hiz power, and the Engliſhman iz not obliged to leev France and ſeek protection in England. Hiz eſtate and hiz family may be in France, and if he chooſes to reſide there, it iz hiz unalienable right and duty to defend

* Except the caſe of Ambaſſadors or other agents.

fend both againſt any invaſion whatever. Every waſ, except a defenſiv one, iz a breech of the moral law; but when a natural born ſubject of England, haz become a citizen of France, he iz ſubject to the laws of France, and bound to aſſiſt, if required, in defending the kingdom againſt hiz natural prince.

No.

No. XXVI.

HARTFORD, JULY, 1789.

EXPLANATION *of the* REEZONS, *why* MARRIAGE *iz* PROHIBITED *between* NATURAL RELATIONS.

MUCH haz been ſaid and written to aſcertain between what relations marriage ought to be permitted. The civil, the canon, and the Engliſh laws, differ az to the degrees of conſanguinity neceſſary to render this connection improper. A detail of the arguments on this ſubject, and even a recapitulation of the decrees of eccleſiaſtical councils, in the erly ages of the church, would be tedious and unintereſting. I ſhall only offer a few thoughts of my own on the queſtion, with a view to illuſtrate a ſingle point, which haz been agitated in modern times, and on which the different American ſtates hav paſſed different deciſions. The point iz, whether a man ſhould be permitted to marry hiz former wife's ſiſter. In ſome ſtates this iz permitted; in others, prohibited.

Thoze who favor the prohibition, ground their reezon on the Levitical law, which ſays a man ſhall not marry hiz wife's ſiſter, during the life of hiz wife, to vex her. This prohibition, while it reſtrains a man from having two ſiſters for wives at the ſame time, among a people where poligamy waz permitted, iz a negativ pregnant, and a ſtrong argument that a man waz allowed, after the deth of a wife, to marry her ſiſter.

The Jewiſh law, however divine, waz deſigned for a particular nation, and iz no farther binding upon other nations, than it reſpects the natural and ſocial duties. In no one particular, hav men been more miſtaken, than in explaining divine commands. It haz been ſufficient for them to reſolv a law into the wil of God,

without

without examining into the reezons for which the law waz revealed. They ſeem to hav inverted the foundation of moral obligation, in ſuppoſing the moral law to derive its propriety and fitneſs originally from the wil of Deity, rather than from the nature of things. They talk about the fitneſs and unfitneſs of things, independent, not only of ſociety, but of God himſelf. Such wild notions, I preſume, are not common. There could be no fitneſs nor unfitneſs of things, before things were made; nor could right and rong exiſt without ſocial beings. The moral duties therefore are not right, merely becauſe they are commanded by God; but they are commanded by him, becauſe they are right. The propriety or fitneſs of them depends on the very nature of ſociety; and this fitneſs, which waz coeval with creation, waz the ground of the divine command.*

The law of Moſes, regulating marriages, waz founded on this propriety or fitneſs of things. A divine command givs a ſanction to the law; but the propriety of it exiſted prior to the command. The reezons for prohibiting marriage between certain relations are important; yet they ſeem not to be underſtood. It haz been ſufficient, in diſcuſſing this point, to ſay, *ſuch is the law of God*; and few attempts hav been made to find the reezons of it, by which alone its extent and authority can be aſcertained.

There are two rules, furniſhed by the laws of nature, for regulating matrimonial connections. The firſt iz, that marriage, which iz a ſocial and civil connection, ſhould not interfere with a natural relation, ſo az to defeet or deſtroy its duties and rights. Thus it iz highly improper that an aunt ſhould marry her nephew, or a godfather hiz grand daughter; becauſe the duties and

* It may be ſaid, that *moral right* and *rong* muſt ultimately be reſolved into the wil of Deity, becauſe ſociety itſelf depends on hiz wil. This iz conceded; I only contend that moral fitneſs and unfitneſs reſult *immediately* from the ſtate of created beings, with relation to each other, and not from any arbitrary rules impoſed by Deity, ſubſequent to creation.

and rights of the natural relation, would be ſuperſeded by the poſitiv duties and rights of the civil connection.

The other rule iz much more important. It iz a law of nature that vegetables ſhould degenerate, if planted continually on the ſame ſoil. Hence the change of ſeeds among farmers. Animals degenerate on the ſame principle. The phyſical cauſes of this law of nature, are perhaps among the arcana of creation; but the effects are obvious; and it iz ſurprizing that modern writers on law and ethics ſhould paſs over almoſt the only reezons of prohibiting marriage between blood relations. Conſanguinity, and not affinity, iz the ground of the prohibition.*

It iz no crime for brothers and ſiſters to intermarry, except the fatal conſequences to ſociety; for were it generally practiſed, men would ſoon become a race of pigmies. It iz no crime for brothers and ſiſters children to intermarry, and this iz often practiſed; but ſuch near blood connections often produce imperfect children. The common people hav hence drawn an argument to proov ſuch connections criminal; conſidering weakneſs, ſickneſs and deformity in the offspring az judgements upon the parents. Superſtition iz often awake, when reezon iz aſleep. It iz juſt az criminal for a man to marry hiz couſin, az it iz to ſow flax every year on the ſame ground; but when he does this, he muſt not complain, if he haz an indifferent crop.

Here then the queſtion occurs, iz it proper for a man to marry hiz wife's ſiſter? The anſwer iz plain. The practice does not interfere with any law of nature or ſociety; and there iz not the ſmalleſt impropriety in a man's marrying ten ſiſters of hiz wife in ſucceſſion. There iz no natural relation deſtroyed; there iz no relation by blood; and *ceſſante ratione, ceſſat et ipſa Lex*; the law ceeſes when the reezon of it ceeſes.

* By the ancient laws of England, relations in the ſame degree, whether by conſanguinity or affinity, were placed exactly on a footing. See the ſuttle reezoning by which the prohibitions were ſupported, in Reeve's Hiſtory of the Engliſh Laws, Vol. IV.

No.

No. XXVII.

HARTFORD, FEBRUARY, 1790.

MISCELLANEOUS REMARKS *on* DIVIZIONS *of* PROPERTY, GUVERNMENT, EDUCATION, RELIGION, AGRICULTURE, SLAVERY, COMMERCE, CLIMATE *and* DISEEZES *in the* UNITED STATES.

THE laws which reſpect property, hav, in all civilized communities, formed the moſt important branch of municipal regulations. Of theze, the laws which direct the diviſion and deſent of lands, conſtitute the firſt claſs; for on theze, in a great mezure, depend the genius of guvernment and the complection of manners.

Savages hav very few regulations reſpecting property; for there are but few things to which their deſires or neceſſities prompt them to lay claim. Some very rude nations ſeem to hav no ideas of property, eſpecially in lands; but the American tribes, even when firſt diſcuvered, claimed the lands on which they lived, and the hunting grounds of eech tribe were marked from thoze of its nabors, by rivers or other natural boundaries. The Mexican and Peruvian Indians had indeed advanced very far towards a ſtate of civilization; and land with them had acquired almoſt an European valu; but the northern tribes, yet in the hunter ſtate, would often barter millions of akers for a handful of trinkets and a few ſtrings of wampum.

In the progreſs of nations, land acquires a valu, proportioned to the degree of populouſneſs; and other objects grow into eſtimation, by their utility, convenience, or ſome plezure they afford to the imagination.

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In attending to the principles of guvernment, the leeding idea that ſtrikes the mind, iz, that political power depends moſtly on property; conſequently guvernment will take its complection from the diviſions of property in the ſtate.

In deſpotic ſtates, the ſubjects muſt not poſſeſs property in fee; for an excluſiv poſſeſſion of lands inſpires ideas of independence, fatal to deſpotiſm. To ſupport ſuch guvernments, it iz neceſſary that the laws ſhould giv the prince a ſovereign control over the property az wel az the lives of hiz ſubjects. There are however very few countries, where the guvernment iz ſo purely arbitrary, that the people can be deprived of life and eſtate, without ſome legal formalities. Even when the firſt poſſeſſion waz the voluntary gift of the prince, grants or conceſſions, ſanctioned by preſcription, hav often eſtabliſhed rights in the ſubject, of which he cannot be deprived without a judicial proceſs.

In Europe the feudal ſyſtem of tenures haz given riſe to a ſingular ſpecies of guvernment. Moſt of the countries are ſaid to be guverned by *monarkies*; but many of the guvernments might, with propriety, be called *ariſtocratic republics*. The barons, who poſſeſs the lands, hav moſt of the power in their own hands. Formerly the kings were but lords of a ſuperior rank, *primi inter pares*; and they were originally elektiv. This iz ſtil the caſe in Poland, which continues to be what other ſtates in Europe were, an *ariſtocratic republic*. But from the twelfth to the ſixteenth century, the princes, in many countries, were ſtruggling to circumſcribe the power of the barons, and their attempts, which often deſolated their dominions, were attended with various ſucceſs. What they could not accompliſh by force, they ſometimes obtained by ſtratagem. In ſome countries the commons were called in to ſupport the royal prerogativs, and thus obtained a ſhare in legiſlation, which haz ſince been augmented by vaſt acceſſions of power and influence, from a diſtribution and encreeſe of welth. This haz been the caſe in England. In other countries, the prince haz combin-

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ed with the barons to depreſs the people. Where the prince holds the privilege of diſpoſing of civil, military and eccleſiaſtical offices, it haz been eezy to attach the nobility to hiz intereſt, and by this coalition, peece haz often been ſecured in a kingdom; but the people hav been kept in vaſſalage. Thus by the laws of the feudal ſyſtem, moſt of the commons in Europe are kept in a ſtate of dependence on the great landholders.

But commerce haz been favorable to mankind. Az the rules of ſucceſſion to eſtates, every where eſtabliſhed in Europe, are calculated to aggrandize the *few* at the expenſe of the *many*, commerce, by creating and accumulating perſonal eſtate, haz introduced a new ſpecies of power to ballance the influence of the landed property. Commerce found its way from Italy and the eeſt, to Germany and England, diffuſing in its progreſs freedom, knowlege and independence. Commerce iz favorable to freedom; it fluriſhes moſt in republics; indeed a free intercourſe by trade iz almoſt fatal to deſpotiſm; for which reezon, ſome princes lay it under ſevere reſtrictions: In other countries it iz diſcuraged by public opinion, which renders trade diſreputable. This iz more fatal to it, than the edicts of tyrants.

The baſis of a democratic and a republican form of government, iz, a fundamental law, favoring an equal or rather a general diſtribution of property. It iz not neceſſary nor poſſible that every citizen ſhould hav exactly an equal portion of land and goods, but the laws of ſuch a ſtate ſhould require an equal diſtribution of inteſtate eſtates, and bar all perpetuities. Such laws occaſion conſtant revolutions of property, and thus hold out to all men equal motivs to vigilance and induſtry. They excite emulation, by giving every citizen an equal change of being rich and reſpectable.

In no one particular do the American ſtates differ from European nations more widely, than in the rules which regulate the tenure and diſtribution of lands. This circumſtance alone wil, for ages at leeſt, prezerve a government in the united ſtates, very different from any which now exiſts or can arize in Europe.

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In New England, inteſtate eſtates deſend to all the children or other heirs in equal portions, except to the oldeſt ſon, who haz two ſhares. This exception in favor of the oldeſt ſon, waz copied from the levitical code, which waz made the baſis of the firſt New England inſtitutions. The legiſlature of Maſſachuſetts, at their May ſeſſion, 1789, aboliſhed that abſurd exception; and nothing but inveterate habit keeps it alive in the other ſtates.*

In conſequence of theze laws, the peeple of New England enjoy an equality of condition, unknown in any other part of the world. To the ſame cauſe may be aſcribed the rapid population of theze ſtates; for eſtates by diviſion are kept ſmall, by which meens every man iz obliged to labor, and labor iz the direct cauſe of population. For the ſame reezon, the peeple of theze ſtates, feel and exert the pride of independence. Their equality makes them mild and condeſending, capable of being convinced and guverned by perſuaſion; but their independence renders them irritable and obſtinate in reſiſting force and oppreſſion. A man by aſſociating familiarly with them, may eezily coax them into hiz views, but if he aſſumes any airs of ſuperiority, he iz treeted with az little reſpect az a ſervant. The principal inconvenience arizing from theze diſpoſitions iz, that a man who happens to be a little diſtinguiſhed for hiz property or ſuperior education iz ever expoſed to their envy, and the tung of ſlander iz bizzy in backbiting him. In this manner, they oppoze diſtinctions of rank, with great ſucceſs. This however iz a private inconvenience; but there iz an evil, ariſing from this jealouſy, which deeply affects their guvernment. Averſe to diſtinctions, and reddy to humble ſuperiority, they become the dupes of a ſet of

* Lands in Connecticut deſend to the heirs in the following manner: Firſt to children, and if none, then to brothers and ſiſters or their legal repreſentativs of the whole blud; then to parents; then to brothers and ſiſters of the half blud; then to next of kin, the whole blud taking the preference when of equal degree with the half blud.

of artful men, who, with ſmall talents for buſineſs and no regard for the public intereſt, are always familiar with every claſs of people, ſlyly hinting ſomething to the diſadvantage of great and honeſt men, and pretending to be frends to the public welfare. The people are thus guverned at times by the moſt unqualified men among them. If a man wil ſhake hands with every one he meets, attend church conſtantly, and aſſume a goodly countenance; if he wil not ſwear or play cards, he may arrive to the firſt offices in the guvernment, without one ſingle talent for the proper diſcharge of hiz duty; he may even defraud the public revenu and be accuſed of it on the moſt indubitable evidence, yet by laying hiz hand on hiz breſt, caſting hiz eyes to heaven, and calling God to witneſs hiz innocence, he may wipe away the popular ſuſpicions, and be a fairer candidate for preferment than before hiz accuſation. So far az the harts of the people are concerned, the diſpoſition here mentioned iz a high recommendation, for it proves them mild, unſuſpecting and humane: But guvernment ſuffers a material injury from this turn of mind; and were it not for a few men who are boldly honeſt, and indefatigable in detecting impoſitions on the public, the guvernment of theze ſtates would always be, az it often iz, in the hands of the weekeſt, or wickedeſt of the citizens.

The ſame equality of condition haz produced a ſingular manner of ſpeeking among the people of New England.* But the inhabitants of all the large towns, wel bred citizens, are excepted from this remark.

Altho the principle iz tru that a general diſtribution of lands iz the baſis of a republican form of guvernment, yet there iz an evil ariſing out of this diſtribution, which the New England ſtates now feel, and which wil increaſe with the population of the country. The tracts of land firſt taken up by the ſettlers, were not very conſiderable; and theze having been repeetedly divided among a number of heirs, hav left the preſent proprietors almoſt without ſubſiſtence for their families.

Vaſt

* See my Diſſertations on the Engliſh Language, page 106.

Vaſt numbers of men do not poſſeſs more than thirty or forty akers eech, and many not half the quantity. It iz with difficulty that ſuch men can ſupport families and pay taxes. Indeed moſt of them are unable to do it; they involve themſelves in det; the creditors take the little land they poſſeſs, and the people are driven, poor and helpleſs, into an uncultivated wilderneſs. Such are the effects of an equal diviſion of lands among heirs; and ſuch the cauſes of emigration to the weſtern territories. Emigration indeed iz a preſent remedy for the evil; but when ſettlements hav raized the valu of the weſtern lands neerly to that on the Atlantic coaſt, emigrations wil moſtly ceeſe. They wil not entirely ceeſe, until the continent iz peepled to the Pacific ocean; and that period iz diſtant; but whenever they ceeſe, our republican inhabitants, unable to ſubſiſt on the ſmall portions of land, aſſigned them by the laws of diviſion, muſt hav recourſe to manufactures. The holders of land wil be fewer in number, becauſe monied men wil hav the advantage of purchaſing lands very low of the neceſſitous inhabitants, who wil be multiplied by the very laws of the ſtate, reſpecting landed property. Other laws however could not be tolerated in theze ſtates. In Europe, proviſion iz made for younger ſons, in the army, the church, the navy, or in the numerous manufactures of the countries. But in America, ſuch proviſion cannot be made; and therefore our laws eezely provide for all the children, where they are not provided for by the parents.

By extending our views to futurity, we ſee conſiderable changes in the condition of theze republican ſtates. The laws, by barring entailments, prevent the eſtabliſhment of families in permanent affluence; we are therefore in little danger of a hereditary ariſtocracy. But the ſame laws, by dividing inheritances, tho their firſt effect iz to create equality, ultimately tend to impoveriſh a great number of citizens, and thus giv a few men, who commanded money, an advantage in procuring lands at leſs than their real valu. The evil iz increaſed in a ſtate, where there iz a ſcarcity of caſh,

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occaſioned by the courſe of trade, or by laws limiting the intereſt on money loaned. Such iz the caſe in Connecticut. A man who haz money may purchaſe wel cultivated farms in that ſtate for ſeventy, and ſometimes for fifty per cent. of the real valu. Such a ſituation iz favorable to the accumulation of great eſtates, and the creation of diſtinctions; but while alienations of real eſtates are rendered neceſſary by the laws, the genius of the guvernment wil not be materially changed.

The cauſes which deſtroyed the ancient republics were numerous; but in Rome, one principal cauſe waz, the vaſt inequality of fortunes, occaſioned partly by the ſtratagems of the patricians and partly by the ſpoils of their enemies, or the exactions of tribute in their conquered provinces. Rome, with the *name* of a republic, waz ſeveral ages loozing the *ſpirit* and *principle*. The Gracchi endevored to check the growing evil by an agrarian law; but were not ſucceſsful. In Ceſar's time, the Romans were ripened for a change of guvernment; the *ſpirit* of a commonwelth waz loſt, and Ceſar waz but an inſtrument of altering the *form*, when it could no longer exiſt. Ceſar iz execrated az the tyrant of hiz country; and Brutus, who ſtabbed him, iz applauded az a *Roman*. But ſuch waz the ſtate of things in Rome, that Ceſar waz a better ruler than Brutus would hav been; for when the ſpirit of a guvernment iz loſt, the form muſt change.

Brutus would hav been a tyrannical demagogue, or hiz zeel to reſtore the commonwelth would hav protracted the civil war and factions which raged in Rome and which finally muſt hav ſubſided in monarky. Ceſar waz abſolute, but hiz guvernment waz moderate, and hiz name waz ſufficient to repreſs faction and prezerve tranquillity. The zeel of Brutus waz intemperate and raſh; for when abuſes hav acquired a certain degree of ſtrength; when they are interwoven with every part of government, it iz prudence to ſuffer many evils, rather than riſk the application of a violent remedy.

How far the Roman hiſtory furniſhes the data, on which the politicians of America may calculate the fu-

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ture changes in our form of guvernment, iz left to every man's own opinion. Our citizens now hold lands in fee; this renders them bold in independence: They all labor, and therefore make hardy ſoldiers; they all reed, and of courſe underſtand their rights; they rove uncontrolled in the foreſt; therefore they know the uſe of arms. But wil not poor peeple multiply, and the poſſeſſions of real eſtates be diminiſhed in number, and increeſed in ſize? Muſt not a great proportion of our citizens becum manufacturers and thus looz the bodies and the ſpirit of ſoldiers? While the maſs of knowlege wil be increeſed by diſcuveries and experience, wil it not be confined to fewer men? In ſhort, wil not our foreſts be levelled, or confined to a few proprietors? and when our peeple ceeſe to hunt, will not the body of them neglect the uſe of arms? Theze are queſtions of magnitude; but the preſent generation can anſwer them only in proſpect and ſpeculation. At any rate, the genius of every guvernment muſt addapt itſelf to the peculiar ſtate and ſpirit of the peeple who compoſe the ſtate, and when the Americans looz the *principles* of a free guvernment, it follows that they wil ſpeedily looz the *form*. Such a change would, az in Rome, be aſcribed to *bad* men; but it is more rational to aſcribe it to an imperceptible progreſs of corruption, or thoze inſenſible changes which ſteel into the beſt conſtitutions of government.

New England waz originally ſettled by a religious ſect, denominated *puritans*, who fled from the ſevere reſtraints impoſed upon diſſenters in the reign of king James I. Placed beyond the feer of control, they formed ſiſtems of civil and eccleſiaſtical government, exactly ſuited to their rigid notions. All their inſtitutions wear maſks of an enthuſiaſtic zeel for religion. Removed from the tyranny of one church, they vibrated to the other extreme, and with an ardor to bild up Chriſt's kingdom, in what they quaintly call, *a howling wilderneſs*, they eſtabliſhed a tyranny of the ſevereſt kind over the conſciences and rights of their own ſociety, and by arbitrary decrees baniſhed thoze who diſſented

diſſented from them upon the moſt metaphiſical points. It waz a law of the firſt ſettlers at Boſton, that none could be free men and entitled to vote for civil rulers, who were not in full communion with the church; and none could be admitted to full communion, without the recommendation of a clergyman. Theze laws threw all the power of the ſtate into the hands of the clergy.* It iz equally aſtoniſhing and ridiculous to the poſterity of thoze godly people, to find the church and ſtate, in the infancy of the ſettlement in America, rent with diſcord upon the ſimple queſtion, whether "ſanc-"tification preceeds juſtification." Yet hundreds of councils were held upon this or ſimilar points, and a diſſent from the common opinion on ſuch trifling queſtions, waz hereſy, puniſhable with excommunication and baniſhment.

But candor requires ſome apology to be made for our anceſtors. Bigotry waz not confined to the New England ſettlers; it waz the characteriſtic of the age. The firſt ſettlers in New Jerſey, Virginia and Penſylvania, and indeed in moſt of the colonies, prohibited witchcraft under penalty of deth; tho the laws ſeem not to have been executed any where except in Maſſachuſetts. But the ſame gloomy ſuperſtition reigned in England. The ſtatues of Henry VIII. and James I. making witchcraft and ſorcery felony without benefit of clergy, upon which many perſons ſuffered deth, were not repeeled, till the ninth yeer of George II. or about 1736. Juſt before the reſtoration in 1660, no leſs than thirteen *gypſies* were condemned at one Suffolk aſſizes, and executed.

But why ſhould I go to former times and other ſtates for apologies? Iz it not eezy to find ſuperſtition and prejudices among ourſelves equally abſurd and indefenſible? Does not a law againſt playing with cards proceed from theze prejudices? What iz the difference between playing with *ſpotted papers and ſpotted boards?* Chequers, back-gammon and cheſs are not prohibited, and the games are az enticing az thoze which are prohibited.

* See Winthrop's Journal, Mather's Magnalia, and Hutchiſons Collection of papers.

among the yemanry of New England, are aſcribeable in a great meazure, to a general adminiſtration of religious ordinances. The diſtinction in this reſpect, iz ſo great between New England and ſome other parts of America, that in travelling among the ſettlers on the frontiers of Vermont, a man may aſcertain where the ſettlers were born and educated, merely by their manner of receeving and treeting him. This iz aſſerted from actual obzervation.

The ſtate of Rhode Iſland furniſhes full proofs of what iz here ſaid in favor of the clergy. That ſtate waz ſettled by refugees from Maſſachuſetts, who were baniſhed or perſecuted by the firſt ſettlers, for their religious tenets. Roger Williams and hiz adherents imbibed an inveterate hatred againſt the colony of Maſſachuſetts, and in particular againſt the clergy, whoze rigid zeel occaſioned their expulſion from the colony. The prejudice continued among their deſendants, and to this day the inhabitants boaſt of their liberality of ſentiment and their freedom from the bigotry of clergymen, which, they ſay, enſlaves the peeple of Maſſachuſetts and Connecticut. This averſion to the clerical order haz however had a pernicious effect in the ſtate. The body of the peeple, unaccuſtomed to the ſobriety and decent deportment neceſſary in religious worſhip, and deſpizing the puritanical manners of their nabors, are educated in licentiouſneſs and void of principle. To this ſource may be traced the moſt unjuſt and tyrannical laws that ever diſgraced a popular aſſembly, and a perſeverance in executing them, which can proceed only from obſtinate ignorance and diſhoneſt views. The large trading towns are excepted from this deſcription; the inhabitants of which are well informed, polite, liberal, and firm ſupporters of good government; *but they encourage ſchools and ſupport a reſpectable clergy.*

In the ſecond place, our anceſtors diſcuvered their wizdom in eſtabliſhing public ſchools and colleges. The law of Connecticut ordains, that every town, or pariſh containing ſeventy houſeholders, ſhall keep an

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Engliſh ſchool, at leeſt eleven months in a yeer; and towns containing a leſs number, at leeſt ſix months in a yeer. Every town keeping a public ſkool iz entitled to draw from the trezury of the ſtate, a certain ſum of money, proportioned to its cenſus in the liſt of property which furniſhes the rule of taxation. This ſum might hav been originally ſufficient to ſupport one ſkool in each town or pariſh; but in modern times, iz divided among a number, and the deficiency of money to ſupport the ſkools iz raiſed upon the eſtates of the peeple, in the manner the public taxes are aſſeſſed. To extend the benefits of this eſtabliſhment to all the inhabitants, large towns and pariſhes are divided into diſtricts, eech of which iz ſuppoſed able to furniſh a competent number of ſkolars for one ſkool. In eech diſtrict a houſe iz erected for the purpoſe by the inhabitants of that diſtrict; who hire a maſter, furniſh wood, and tax themſelves to pay all expenſes, not provided for by the public money. The ſkool iz kept during the winter months, when every farmer can ſpare hiz ſons. In this manner every child in the ſtate haz acceſs to a ſchool. In the ſummer, a woman iz hired to teech ſmall children, who are not fit for any kind of labor. In the large towns, ſkools, ether public or private, are kept the whole yeer; and in every county town, a grammar ſchool iz eſtabliſhed by law.

The ſtate of Maſſachuſetts haz alſo public ſchools on ſimilar principles. The colleges and academies are too well known to need any deſcription or remarks.

The beneficial effects of theze inſtitutions will be experienced for ages. Next to the eſtabliſhments in favor of religion, they hav been the nurſeries of well-informed citizens, brave ſoldiers and wize legiſlators. A peeple thus informed are capable of underſtanding their rights and of diſcuvering the meens to ſecure them.

In the next place, our forefathers took mezures to prezerve the reputation of ſkools and the morals of yuth, by making the buſineſs of teeching them an honorable employment. Every town or diſtrict haz a committee whoze duty iz to procure a maſter of talents

and karacter; and the practice iz to procure a man of the beſt character in the town or naborhood. The welthy towns apply to yung gentlemen of liberal education, who, after taking the bachelor's degree, uſually keep ſkool a yeer or two, before they enter upon a profeſſion. One of the moſt unfortunate circumſtances to education in the middle and ſuthern ſtates, iz, an opinion that ſkool keeping iz a meen employment, fit only for perſons of low karacter. The retches who keep the ſkools in thoze ſtates, very frequently degrade the employment; but the misfortune iz, public opinion ſuppozes the employment degrades the man: Of courſe no gentleman will undertake to teech children, while, in popular eſtimation, he muſt forfit hiz rank and karacter by the employment. Until public opinion iz corrected by ſome great examples, the common ſchools, what few there are in thoze ſtates, muſt continu in the hands of ſuch vagabonds az wander about the country.

Neerly connected with the eſtabliſhment of ſkools, iz the circulation of newſpapers in New England. This iz both a conſequence and a cauſe of a general diffuſion of letters. In Connecticut, almoſt every man reeds a paper every week. In the yeer 1785, I took ſome pains to aſcertain the number of papers printed weekly in Connecticut, and in the ſuthern ſtates. I found the number in Connecticut to be neerly eight thouſand; which waz equal to that publiſhed in the whole territory, ſouth of Penſylvania.* By meens of this general circulation of public papers, the people are informed of all political affairs; and their repreſentativs are often prepared to deliberate on propoſitions, made to the legiſlature.

Another inſtitution favorable to knowlege, iz the eſtabliſhment of pariſh libraries. Theze are procured by ſubſcription, but they are numerous, the expenſe not being conſiderable, and the deſire of reeding univerſal.

* During the late war, eight thouſand newſpapers were publiſhed weekly at one preſs in Hartford.

verſal. One hundred volums of books, ſelected from the beſt writers on ethics, divinity and hiſtory, and red by the principal inhabitants of a town or village, wil hav an amazing influence in ſpreding knowlege, correcting the morals and ſoftening the manners of a nation. I am acquainted with pariſhes, where almoſt every houſholder haz red the works of Addiſon, Sherlock, Atterbury, Watts, Young, and other ſimilar writings; and wil converſe handſomely on the ſubjects of which they treet.

Still further, the wiſdom of the erly ſettlers in New England iz remarkable in the diviſion of their territorial juriſdictions into townſhips, and incorporating them with certain powers of a ſubordinate nature. Every town iz a corporate body, with power to appoint, at an annual meeting, certain town magiſtrates, called *ſelectmen*, who hav the charge of providing for the poor, ſuperintending the town property, diſpozing of the monies &c. rendering an account to the town at the annual meeting. The towns alſo appoint conſtables, *collectors of taxes*,† ſurveyors of roads, tithing men, whoze buſineſs iz to prezerve order on Sundays, inſpectors of various denominations, &c. The towns are obliged to bild and repair their own bridges, repair roads, and defray the expenſe by a tax impozed by themſelves. They alſo ſupport their own poor. This ſyſtem of ſubordinate legiſlation haz the advantage of ſaving the legiſlature much trubble, and the corporations can hardly abuſe powers, which are limited to their own territories; nor wil they probably neglect their duty, az it iz for their intereſt and convenience to perform it.

In the general organization of guvernment, the New England ſtates differ widely; thoze of Maſſachuſetts and New Hampſhire, being formed ſince the revolution, are wel known; thoze of Connecticut and Rhode Iſland are moddled upon the charters of Charles II, and have ſuffered but little alteration, ſince their firſt eſtabliſhment.

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† This iz an evil of great magnitude.

The New England colonies were originally guverned by a cheef magiſtrate or guvernor, a deputy, and a certain number of aſſiſtants, all choſen by the peeple. They were called the court of aſſiſtants, and for a conſiderable time, exercized all powers legiſlativ and judicial. The clergy were uzually aſſociated with them, and they ſeem to hav taken cognizance likewiſe of eccleſiaſtical matters. The rulers of peeple in ſmall ſocieties, in erly ſettlements, and in the ſimple ſtate of nature, uzually hav diſcretionary powers to act for the common good. This waz the caſe with the ancient witena-gemote, and folk-motes or county meetings in England; and with the firſt legiſlatures in theze colonies.

The towns ſoon began to ſend repreſentativs to the court; but for ſeveral yeers in Boſton, they ſat in the ſame houſe with the aſſiſtants; in the ſame manner az the knights of ſhires, or repreſentativs of the inferior barons, ſat in parliament with the lords on their firſt introduction into the legiſlature. But az the towns multiplied, this practice waz found inconvenient, and the deputies were ſeparated from the aſſiſtants. When this took place the aſſiſtants rezerved to themſelves the judiciary powers, which at firſt were lodged in the whole aſſembly. In Connecticut, the aſſiſtants or upper houſe of aſſembly retained theze powers in effect, till the late revolution; only for the ſake of convenience, five of their number were appointed by both houſes, to the immediate exercize of the office and to ride the circuit. Still the aſſembly were a court of appeels in the laſt rezort, to all intents and purpoſes; for on petition, any judgement or decree might be heerd and reverſed by the legiſlature. Since the revolution, a ſupreme court of errors iz conſtituted, but on an exceptionable plan, and the legiſlature continues to exercize ſupreme judicial power on petitions. This iz a remnant of the old adminiſtration, which was once harmleſs, if not neceſſary; but in a large community, may be conſidered az a faulty part of the guvernment. The whole legiſlature likewize acts az a court for the

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trial of public delinquents. This iz an evil of unbounded magnitude. When charges are exhibited againſt any public officer, or any objections made to hiz re-appointment, he iz admitted to a hearing, council iz employed, the charges are red, witneſſes examined, and the delinquent makes hiz defence in perſon or by attorney. This mode of impeachment and trial iz the worſt that can be invented. It iz difficult or impoſſible for a large popular aſſembly to be good judges; they cannot perfectly underſtand a caſe; they are credulous; and their compaſſion eezily moved. A pathetic harang, eſpecially from the accuſed himſelf, with teers in hiz eyes, and the misfortunes of hiz family painted in diſcription, wil ſkreen from puniſhment any knave, however numerous hiz crimes, or however convincing the proofs of hiz gilt. A popular aſſembly ſhould not ſit in judgement upon delinquents, for the ſame reezon that wimen would be improper judges, and for the ſame reezons that the mother and wife of Coriolanus were the only perſons who could ſave Rome from his vengence.*

The conſtitution of Connecticut iz if poſſible, more defectiv in the trezury or finance department. The trezurer iz annually appointed by the freemen in the ſtate at large. This makes him dependent on them. The collectors are ſcattered in every part of the ſtate; and if the trezurer iz not agreeable to them, az he wil not be, if he iz rigorous in enforcing collections, they can render him unpopular and throw him out of office: This iz an evil; beſides, the conſtables, who are collectors, are appointed by the towns; if they are rigorous in their duty, they are liable to looz their office; or what iz worſe, they may ſet up az candidates for the legiſlature, and by an influence arizing from their power in exacting taxes with a greater or leſs degree of rigor, procure an election to an employment for which they

* Uxor deinde ac liberi amplexi; fletuſque ab omni turba mulierum ortus, et comploratio ſui patriæque, *fregere tandem virum.*—Liv. lib ii. 40.

they are wholly unqualified. When a conſiderable number of collectors hav obtained ſeets in the legiſlature, they are ever reddy to delay or ſuſpend the collection of taxes. This iz not the worſt part of the ſyſtem. The method of obtaining the money in default of the collectors, iz tedious, expenſiv, ineffectual, and in ſhort ridiculous. When a collector iz in arreer, a diſtreſs iſſues from the trezury againſt hiz eſtate. Upon a return of *non eſt*, or in caſe of the collector's inſolvency, execution iſſues againſt the ſelectmen of the town, whoſe eſtates are liable for the arreerages of taxes. The ſelectmen then levy a tax upon the inhabitants to indemnify themſelves.

It would be endleſs to enumerate the evils arizing out of this mode of collection. If the trezurer was appointed by the legiſlature, with power to name his collectors and call them to account; and if collectors were obliged to giv bonds with ſufficient ſecurity to ſave the ſtate from loſs, which ſecurity ſhould be liable to diſtreſs immediately on failure of the collector, the taxes would be collected with promptitude and a great ſaving of expenſe.

It may be obzerved, that the faults of the conſtitution are aſcribeable to the ancient ſimplicity of the New England people, and the corruptions of the adminiſtration hav grown out of the long tranquillity of the ſtate. While the people had perfect confidence in their rulers, they were not diſpoſed to diſobey the laws; and while there were few opportunities of corruptions, there might be no inſtance of maladminiſtration, ſo obvious or atrocious az to alarm enquiry, and excite people to change laws and forms, to which they had been familiarized. The inconveniencies reſulting from a union of the legiſlativ and judicial powers in the ſame hands, were not ſo great az to be ſenſibly felt by the public; and habits of reſpect for men in office, and ſubmiſſion to law, had rendered men credulous and unſuſpecting. To this day, it iz difficult to make the inhabitants beleev that their rulers and magiſtrates can betray a public truſt. Till within two yeers, the guvernor, deputy guvernor, judges of the ſuperior court, or two juſtices

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of the peece, could draw upon the trezury of Connecticut, without their accounts being examined by any controller or auditor.

Before the legiſlature could be perſuaded to inſtitute a controller's office az a check upon the trezury, it waz neceſſary to exhibit to them ſtrong proofs of maladminiſtration in that department; and the evils arizing from the prezent mode of collecting taxes, muſt be obvious and great, before they wil make any change in the ſyſtem. Men are guverned by habit. The firſt laws of a country take their complection from the peculiar caſt and circumſtances of the peeple; and then the laws in turn contribute to form the manners of ſucceeding generations. The ſtate of Connecticut iz an illuſtrious example of this truth. By its ſituation, it can never be expozed to ſudden changes by an influx of foreigners. It haz no great capital, no general mart where all buſineſs centers; it haz very little intercourſe with Europe; and the communication by water between New York and Rhode Iſland iz ſo direct, eezy and cheep, that for nine months in the yeer, few peeple travel thro Connecticut. For theze reezons, ancient manners and habits will be prezerved longer in this ſtate than in moſt of the others.

There iz one article in the conſtitution of this ſtate that merits notice and imitation, becauſe it iz equally ſingular and excellent. It iz the manner of electing the aſſiſtants or ſenators of their own legiſlature, and the members of congreſs. Theze are elected by the freemen at large in the whole ſtate. The number of ſenators iz twelve, and choſen annually in this manner. In September, the *freemen* aſſemble in the towns and vote for twenty perſons, by ballot; the votes are all returned to the legiſlature in October, and numbered; and the twenty names that hav the moſt votes are ſaid to ſtand in *nomination*, and are publiſhed by order of aſſembly. The next April, the freemen aſſemble again, and vote by ballot for *twelv* of the *twenty*, and the *twelv* perſons who hav the moſt votes, are elected. Repreſentatives in congreſs are chozen in a ſimilar manner. The great excellence of this mode of choozing

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iz, it holds up to public view, fix months before election, the karacters who are candidates; peeple hav an opportunity of enquiring into their merits, that they may ſelect from the whole thoze who are the leeſt exceptionable.

It iz alſo a ſingular advantage that one branch of the legiſlature ſtands upon the ſuffrages of the whole. If a man's nabors take a diſlike to hiz public or private conduct, they wil, if poſſible, diſmiſs him from office. This iz the great misfortune of ſmall diſtrict elections, for it often happens that a man's integrity and independence in public mezures, are moſt likely to render him unpopular among hiz nabors; and ſometimes ſmall domeſtic occurrences may turn the tide of favor againſt him. But when a man iz elected by a large diſtrict, he iz not expozed to this evil; and nothing ſhort of a general oppoſition to popular mezures will ſhake him from hiz elevation. Theze remarks hav been repeetedly verified in Connecticut. The independence of the ſenate, owing moſtly to this article in the conſtitution, haz ſeveral times ſaved the ſtate from the moſt diſgraceful acts.

The repreſentativs are chozen twice a yeer, for there are two regular ſeſſions of the legiſlature. This iz an inconvenience, but not ſo great, az it appears to our ſuthern nabors; for the freemen meet in towns, which are but about ſix miles ſquare; ſo that they can go from home, make a choice, and return in three hours.

The regularity of theze meetings iz incredible to ſtrangers, accuſtomed to the tumultuous elections in England and the ſuthern ſtates. No man dare ſolicit for the votes of hiz nabors, nor ever offers himſelf a candidate by advertizing. The freemen meet in ſome public bilding, uzually a church, ſeet themſelves, heer the law red reſpecting elections, and proclamation iz made that they prepare their ballots for the officer to be chozen. The conſtables then carry a hat to every freeman and take the votes, which are counted by the civil authority, and the choice declared in the meeting. Thus the repreſentativs are elected; but the ballots

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for guvernor, deputy guvernor, ſenators, and delegates to congreſs, are ſeeled up, and ſent to Hartford, where they are numbered at the annual election in May. The choice iz conducted with neerly the ſame ſobriety az public worſhip on Sunday. How different the elections in the ſuthern ſtates, where I hav ſeen candidates march at the hed of their adherents, armed with clubs, and force their way to the place of election, and by violence thruſting away their rivals! It is a misfortune in thoze ſtates, that the freemen of a *whole county* aſſemble at elections. This iz one principal cauſe, why the elections are attended with tumults, riots, quarrels, bloody nozes, and in a few inſtances, with deth. The laws of a republic ſhould gard againſt all large collections of peeple either for good or bad purpoſes: They are always dangerous. Rome furniſhes innumerable leſſons on this ſubject; and if the ſuthern legiſlatures attend to facts, they wil doubtleſs divide their counties into ſmall diſtricts for the purpoſe of election, and hav the choice completed in one day; that the candidates might not be able to hed their frends in more places than one. It iz of infinit conſequence that the pernicious influence of elections ſhould be deſtroyed.

Religion in Connecticut haz the ſupport of law. Contracts with clergymen are valid in law, and every man iz compelled to pay hiz proportion of taxes to pay the ſalary of the miniſter of the pariſh where he reſides, unleſs he produces du proof that he attends worſhip with ſome diſſenting congregation; in which caſe he iz excuzed. This iz conſidered by ſtrangers az a hardſhip: But it produces few inconveniencies in a ſtate where there are few diſſenters from the common worſhip; and theze few are exempted, if they attend *any* religious worſhip. Every perſon iz indulged in worſhiping az he pleezes; and whatever modern liberality may pretend, the regular preeching of the goſpel, az a *civil* inſtitution, iz az neceſſary and uſeful, az the eſtabliſhment of ſkools or courts of juſtice. Without any regard to compulſion over conſciences, or any reference to a future life, a legal proviſion for the moral inſtructors

ſtructors of men, iz az beneficial in ſociety, az any civil or literary inſtitution whatever; and a commonalty, who hav not the benefit of ſuch inſtruction, wil, I preſume to aſſert, always be ignorant, and of ruf uncivil manners. It iz an article of ſome conſtitutions in America, that clergymen ſhal hold no civil office. This excluſion iz founded on juſt az good reezons, az the old laws againſt witchcraft; a clergyman being no more dangerous in a civil office, than a witch in civil ſociety. It iz ſaid that the buſineſs of clergymen iz divine and ſpiritual, and that they ſhould hav no concern with politics. The objection iz equally good againſt merchants, mechanics and farmers, who hav no immediate concern with legiſlation. The truth iz, every citizen haz a concern in the laws which guvern him; and a clergyman haz the ſame concern with civil laws, az other men. There hav been bad clergymen and tyrannical hierarkies in the world; but the error lies in ſeparating the civil from the eccleſiaſtical government. When ſeparated they become rivals; when united, they hav the ſame intereſt to purſu. A clergyman's buſineſs iz to *inform* hiz people, and to make them *good men*. This iz the way to make them *good citizens*. The clergymen in Boſton take the right method to accompliſh this buſineſs; they throw aſide all *divine airs* and imperious grave ſuperiority; they mingle in the moſt familiar manner, with other people; they are ſocial and facetious, and their pariſhoners delight to hav them at all entertainments and concerts. This conduct removys the awful diſtance between them and other deſcriptions of men; they are not only eſteemed and reſpected, but luved; their decent deportment iz imitated; their churches are crowded, and their inſtructions liſtened to with plezure. Such men are bleſſings to ſociety. That clergymen ought not to meddle with politics, iz ſo far from truth, that they ought to be *well* acquainted with the ſubject, and *better* than moſt claſſes of men, in proportion to their literary attainments. Religion and policy ought ever to go hand in hand; not to raize a ſyſtem of deſpotiſm over

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the conſciences, but to enlighten the minds, ſoften the harts, correct the manners and reſtrain the vices of men. If men are to be fitted for heaven, it *muſt* be by theze meens; there iz no other way. The ſeparation of religion and policy, of church and ſtate, waz owing at firſt to the errors of a gloomy ſuperſtition, which exalted the miniſters of Chriſt into Deities; who, like other men, under ſimilar advantages, became tyrants. The way to check their ambition, and to giv full efficacy to their adminiſtrations, iz to conſider them az *men* and *citizens*, entitled to all the benefits of guvernment, ſubject to law, and deſigned for *civil* az wel az *ſpiritual* inſtructors.

The ſtate of New York waz ſettled with views, widely different from thoze which actuated the New England puritans. Some Dutch merchants firſt eſtabliſhed factories at Albany and on Manhattans, now York Iſland, for the purpoſe of opening a fur trade. When the province came into the poſſeſſion of the Engliſh, ſeveral gentlemen of property took up large tracts of lands, which, being regulated by the Engliſh laws of deſcent, continued unbroken, til the late revolution. But many of the proprietors of theze manors, eſpouſing the royal cauſe in the late conteſt, left their eſtates, which were of courſe confiſcated and ſold by the ſtate. This circumſtance waz fatal to many large manors; and a law of the ſtate, enacted about the yeer 1781, which breaks the preſent and bars all future entailments, wil in time divide the large eſtates which remain unbroken. The Dutch poſſeſs the moſt fertile parts of the old ſettlements; az Ulſter and Claverak counties, part of Albany and Kings county, on Long Iſland. They are honeſt and economical, but indolent, and deſtitute of enterprize; ſo that the ſtate wil be moſtly indetted to emigrants from New England, for its future population and improvements.

New York city iz the moſt favorable ſtand for a great commercial port on the united ſtates. Men may indulge themſelves in rapſodies, about the Potomack, the Ohio and the Miſſiſippi; but no part of theze

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ſtates, eeſt of the Allegany, wil ever rival New York, and it iz doutful whether the ſame conveniencies for buſineſs unite on any part of the Miſſiſippi. New York iz the center of the commerce of all the territory, between the weſtern boundary of Rhode Iſland and the middle of New Jerſey, from the Atlantic neerly to the borders of Canada; a diſtrict of two hundred miles by two hundred and fifty. And the geography of the country tells us, that no part of Atlantic America can claim the ſame extenſiv advantages. New York iz not eezily defended in time of war, and therefore, without a navy, iz not a ſafe place for an arſenal; but Weſt Point, ſixty miles abuv the city, on the Hudſon, iz the moſt impregnable fortreſs in America.

Before the revolution, the guvernment of New York waz under the influence of the crown of Great Britain, the guvernor and council being appointed by the king. It waz illiberal in the preference given to the epiſcopal church; no other denomination of Chriſtians being able to obtain any corporate eſtabliſhment. The ſame illiberal preference waz diſcuverable in the inſtitution and guvernment of the college, now called Columbia college, in which diſſenters of any deſcription could not hav a ſhare. The revolution haz effected a change in theze particulars. Diſſenting churches, which are the moſt numerous in the ſtate, are or may be incorporated; and education begins to be encuraged by the laws. A univerſity iz eſtabliſhed, with a power of ſuperintending and regulating ſkools throughout the ſtate; but proviſion iz not made for maintaining common ſkools in every quarter of the ſtate. Ignorance ſtil prevails among the yemanry; and this enables certain deſigning karacters to exerciſe a pernicious influence in the guvernment.

The territory of New Jerſey originally belonged to two, and afterwards to many proprietors, who appointed the guvernors. But in the reign of queen Ann, the guvernment waz reziged to the crown, and for a number of yeers, the guvernor of New York waz alſo guvernor of the Jerſies, altho eech province had a diſ-

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trict aſſembly. The heirs of the original proprietors, or their purchaſers, ſtil hold the ſoil. There are in this ſtate many large eſtates, but an entailment iz good only to the firſt donee in tail; the eſtate, on hiz deth inteſtate, being divided equally among hiz heirs. In general the laws of New Jerſey are highly republican; but they make no proviſion for a general diffuſion of knowlege. Many of the yemanry are extremely ignorant. The college at Princeton iz a very valuable inſtitution; but ſo little concern haz the legiſlature for the intereſt of lerning, that the funds of that college are taxed by law.

The preſent conſtitution of New Jerſey iz liable to few exceptions; but the ſtate iz divided into two parties which often agitate the guvernment. Az the cauſe and effects of the controverſy which began and ſtil continues theze parties, are little known to their nabors, I beg leev here to offer a conciſe ſtate of the facts from unqueſtionable authority.

James, duke of York, in June 1664, conveyed New Jerſey to John, lord Berkeley, and Sir George Carteret, in fee. The bounds of the territory granted were, the main ſee and Hudſon's river on the eeſt, Delaware bay or river on the weſt, Cape May on the ſouth, and on the north *the northernmoſt branch of Delaware bay, or river, which iz forty one degrees and forty minutes of latitude, croſſing over thence in a ſtrait line to Hudſon's river, in forty one degrees of latitude.*

Some intermediate conveyances of lord Berkeley's undivided half part were made, but need not be here recited. On the firſt of July, 1676, waz executed a quintipartite deed, between Sir George Carteret, and the grantees of lord Berkely, by which the territory waz divided; Sir George Carteret releeſing all the weſtern part to the grantees of Berkeley, and the latter releeſing the eeſtern part to Sir George. The line of partition, which originated all the ſubſequent diſputes, iz thus deſcribed in the deed: "Extending eeſtward and northward along the ſee coaſt and the ſaid river, called Hudſon's river, from the eeſt ſide of a certain place or harbor,

harbor, lying on the ſuthern part of the ſame tract of land, and commonly called and known in a maſs of the ſame, by the name of *Little Egg Harbor*, to that part of the ſaid Hudſon's river, which iz in forty one degrees of latitude, being the furthermoſt part of ſaid tract of land and premiſes, which iz bounded by the ſaid river, and croſſing over from thence in a ſtrait line, extending from that part of Hudſon's river aforeſaid, to the northernmoſt part or branch of the before mentioned river, called Delaware river, and to the moſt northerly point or boundary of the ſaid tract of land and premiſes, granted by hiz royal highneſs, James, duke of York, to lord Berkeley and Sir George Carteret."

A difficulty aroze about the northern point of partition; the duke of York's grant making the northernmoſt branch of Delaware bay or river to be in *forty one degrees and forty minutes* of latitude; and declaring a line from this point to the latitude of *forty one* on Hudſon's river, to be the northern boundary of New Jerſey. Diſputes aroze, and the legiſlature of New Jerſey, in 1719, paſſed an act, declaring that a partition line between Eaſt and Weſt Jerſey, ſhall be run *from the moſt northerly point or boundary of the province, on the northernmoſt branch of Delaware river*, to the moſt ſutherly point of Little Egg Harbor. Commiſſioners were appointed for this purpoſe, and alſo for running the line between New York and New Jerſey. They met with commiſſioners from New York, but could not agree, and left the buſineſs unfiniſhed. In 1741, another attempt waz made by Mr. Alexander, ſurveyor general of both diviſions, but obnoxious to the Weſt Jerſey proprietors. He began to run the line, but ſome errors he committed, or bad inſtruments, prevented the completion of the buſineſs; he ſtopped half way. Diſputes ran high, and were attended with riots, till the yeers 1762 and 1764, when by a law of New York and another of New Jerſey, it waz agreed the line between the provinces ſhould be run by commiſſioners to be appointed by the crown. To this agreement the proprietors

prietors of Weſt Jerſey az well az Eeſt, were parties. The commiſſioners met, fixed the two ſtation points between New York and New Jerſey, one at a rock on Hudſon's river, in forty one degrees of latitude, the other at the forks of the Delaware, at the mouth of the river Makhakamak, in latitude 41°. 21′. 37″. This point on Delaware iz *eighteen minutes twenty three ſeconds*, to the ſuthward of the *northern boundary* of New Jerſey, az deſcribed in the duke of York's grant to the firſt proprietors; which waz, on the *northernmoſt branch of Delaware river, which iz forty one degrees forty minutes* of latitude.

Both parties appeeled to the crown, but without ſucceſs. Acts were afterwards paſſed, both by New York and New Jerſey, confirming the line between the provinces, and theze acts receeved the approbation of the king in council. This waz an amicable ſettlement between the two provinces; and it waz expected that the *northern limits of New Jerſey* and the *ſtation points* on both rivers, being fixed by law, nothing waz neceſſary to quiet all parties, but to run the line from the north ſtation point on Delaware to Little Egg Harbor.

A correſpondence for this purpoſe took place between the proprietors of Eeſt and Weſt Jerſey; but before the matter waz completed the war commenced. Since the war, the controverſies hav been revived, and divided the ſtate into violent parties. It ſeems the proprietors of Eeſt Jerſey expected the *north ſtation point on Delaware* would hav been fixed az high az *forty one degrees forty minutes*, the point deſcribed by the original grant from the duke of York. This would hav carried the limit of the ſtate about eighteen miles further north on the Delaware ſide. Now there iz a bend in the Delaware, at the forks, ſo that the ſtation point az now fixed, iz carried further eeſt than it would be, had it been fixed in *forty one degrees forty minutes*; ſo the deciſion of the commiſſioners waz in favor of the Weſt Jerſey proprietors. From the forks, the river bends its courſe weſterly of north, and from a point eighteen miles north, a line to Little Egg Harbor, would leev an

angle

angle containing ſeveral thouſand akers of land, in Eeſt Jerſey. This iz a ſhort ſtate of the origin and progreſs of a controverſy, which ſtil agitates the ſtate and diſturbs the peece of their guvernment; the jealouſies between Eeſt and Weſt Jerſey being almoſt az great az between the northern and ſuthern ſtates, upon a queſtion reſpecting the ſeet of guvernment, or any other matter of little conſequence to the union. The conteſt however iz of magnitude to both parties in New Jerſey, az the lands in diſpute hav been ſettled upon doutful titles; and altho an act of the legiſlature may eſtabliſh theze, yet the loozing party wil expect a compenſation.*

The commerce of New Jerſey iz almoſt wholly carried on thro New York and Philadelphia. Its ſituation, between two large commercial towns, reſembles that of Connecticut; but in one reſpect, the latter haz the advantage, viz. that of a butiful navigable river, penetrating the ſtate and affording the beſt conveniencies for a trade to the Weſt Indies. The legiſlature of New Jerſey hav attempted to call home the trade of the ſtate, by holding out liberal encouragement for direct importations from abroad, and making free ports. Perth Amboy affords a fine harbor, but it iz difficult, perhaps impoſſible, to raize a rival in the naborhood of New York. New Jerſey and Connecticut wil find their intereſt in encuraging manufactures.

Penſylvania waz ſettled by a religious ſect, remarkable for their ſobriety, induſtry and pacific diſpoſition. Mr. Penn, the firſt proprietor of the province, waz a man of ſuperior talents. The free indulgence given to all religious denominations, invited ſettlers from England, Germany and Ireland, and the population of the province, with the conſequential increeſe of the valu of lands, waz rapid beyond any thing known in the other colonies. The province however waz harraſſed with diſputes between the acting guvernors and the commons.

* The foregoing facts are taken from Leaming and Spicer's Collection; a conciſe view of the controverſy, &c. publiſhed in 1785; and from the acts of the legiſlature of New-Jerſey.

tions. The proprietary, who waz the guvernor, uſually rezided in England; appointing a deputy with a council, to act for him in the province. The proprietaries were often ſelfiſh, and made demands upon the people, which their ſenſe of liberty and right would not permit them to grant. The quit-rents, paper currency, and ſome other matters, were conſtant ſubjects of altercation, whenever the aſſembly convened.*

The long and violent oppoſition to the influence of their proprietaries, who were abroad, and often conſidered az hoſtile to popular privileges, together with the beneficial effects of a paper currency, during the infant ſtate of the province, may be the reezons why the conſtitution of Penſylvania, formed at the revolution, verged too much towards an extreme of democracy;† and why the legiſlature of that ſtate waz the firſt to iſſue a paper currency, after the war. The old republican patriots, who had reſiſted, with ſucceſs, the encroachments of arbitrary guvernors and kings, determined to frame a conſtitution, which ſhould prevent the interference of a guvernor and council in acts of legiſlation; and men who had ſeen the *good* effects of paper currency, without its *evils*, would be the firſt to recommend it. It iz natural; men are guverned by habit.

At the revolution in 1776, the repreſentativs of the province, acting on the principle that public good tranſcends all conſiderations of individual right, aſſumed the reigns of government, formed a conſtitution for the purpoſe, and diveſted the proprietaries of both territory and juriſdiction. They gave them however, 130,000l. ſterling in lieu of all quit-rents, and rezerved to them conſiderable tracts of land. The firſt conſtitution, like that of the Netherlands, waz framed upon the

* See Dr. Franklins Review of the guvernment of Penſylvania.

† The powers of legiſlation by the late conſtitution, were deſigned to be veſted in the people; but in fact were veſted no where. The pretended legiſlature conſiſted of but one houſe; and no bill, except on preſſing occaſions, could be paſſed into a law, until it had been publiſhed for the aſſent of the people.

the ruins of oppreſſion, and with a too jealous atteſtation to popular rights. It waz defectiv in the moſt material articles, and a few yeers experience induced the peeple to adopt another form, more analagous to thoze by which her ſiſter ſtates are guverned.

The laws of Penſylvania, reſpecting inheritances, hav not barred entails; but az entails may be docked by the Engliſh fineſſe of common recoveries; az the diviſions of lands favor equality, az wel az the genius of the peeple, there can be no apprehenſions of an ariſtocratical influence from large poſſeſſions of real eſtate. A ſingle man may hold real or perſonal eſtate to ſuch an amount, az to hav an undu influence in politics and commerce. When a man haz become ſo powerful that hiz nabors are afraid to demand their rights of him in a legal way; or when a town or city iz ſo far under hiz control, that the citizens are generally afraid of offending him, he iz or may be a dangerous man in a free ſtate, and a *bad* man in any ſtate. A Clive and a Haſtings are az dangerous in a ſtate, az an Arnold or a Shays, if they hav the ſame evil propenſities; for thoze who oppoze law, are generally puniſhed; but thoze who are abuv law, may do injuſtice with impunity.

The peeple in Penſylvania may be included under the three denominations of *Frends*, *Germans*, and *Iriſh deſendants*. The *Frends* and *Germans* were the firſt ſettlers, and for the moſt part liv between the Delaware and Suſquehanna. Theze are peeceable and induſtrious peeple. The Iriſh or their deſendants, inhabit the weſtern counties; they are induſtrious, but not ſo wel informed in general, az the inhabitants of ſome older counties, and at times hav been turbulent citizens. It waz the misfortune of this, az of all the ſuthern ſtates, that no proviſion for public ſkools waz incorporated into the original fundamental laws.

Without ſuch a proviſion, it iz not poſſible that a body of freemen ſhould hav the reeding neceſſary to form juſt notions of liberty and law. This defect wil probably be ſupplied by the new conſtitution and the future

future laws of the ſtate. The number of colleges and academies alreddy founded and endowed, proov the diſpoſition of the legiſlature to encurage ſcience. The only difficulty iz to perſuade an agricultural peeple to ſettle in villages or ilans, for the purpoſe of maintaining a clergyman and ſkoolmaſter; and thus to carry into effect the wiſe and benevolent deſigns of their rulers.

Philadelphia iz a great commercial city; but it iz queſtioned whether commerce wil giv it a future growth equal to that of New York. The future population of the ſuthern part of New Jerſey, and the peninſula between the Cheſapeek and the Atlantic, wil not add much to the trade of Philadelphia. The naborhood of the city and moſt of the lands towards Lancaſter and Bethlehem, are alreddy wel ſettled. About ſeventy three miles weſt of Philadelphia runs the Suſquehanna; a river not indeed navigable at the mouth, but with ſome portages, capable of opening a communication by water from Wioming to the Cheſapeek; and ſhould canals be opened to avoid the falls and rapids, the trade of the ſtate, quite to the hed of that river, wil center in Baltimore. At any rate Baltimore and Alexandria wil command moſt of the trade weſt of the Suſquehanna; ſo that Philadelphia muſt depend moſtly, for the increeſe of her buſineſs, on the population northward, about the hed of the Deleware. The commerce however wil always be conſiderable, and the ſpirit of the citizens in eſtabliſhing manufactures, promiſes a great extenſion of the city.

The ſtate of Penſylvania waz, for many yeers, agitated by a territorial controverſy with Connecticut; the hiſtory of which iz breefly this.

King James I. in 1620, made a grant to a number of gentlemen, called the *Plimouth Company*, of all the lands in North America, included between the 40th and 48th degrees of latitude, *throughout all the main land from ſee to ſee*; except ſuch lands az were then ſettled by ſome Chriſtian prince or ſtate. The only ſettlements at that time north of Virginia, were at New York and Albany, on the Hudſon.

In 1628, a number of gentlemen obtained from the company a grant of lands, bounded on the north, by a line three miles north of Merrimak river, and on the ſouth, by a line three miles ſouth of Charles river, *throughout the main lands from the Atlantic on the eaſt, to the South Sea, on the weſt.* This waz the firſt grant of Maſſachuſetts.

In the yeer 1631, Robert, erl of Warwick, preſident of the Plimouth company, granted to lord Say and Seal, and lord Brook, all that part of New England, extending from Naraganſet river, the ſpace of forty leegs on a ſtrait line, neer the ſee coaſt, north and ſouth in latitude and bredth, and in length and longitude of and within all the aforeſaid bredth, *throughout all the main lands from the weſtern Ocean to the South See.* This grant waz confirmed by the charter of Charles II. dated April 23, 1662, with a ſimilar deſcription of the territory.

In 1664, king Charles II. gave hiz brother a tract of land in America, the deſcription of which iz not wholly conſiſtent or intelligible; but one part of the grant interfered with the Connecticut patent, and diſputes aroze, which were amicably ſettled by commiſſioners in 1683; the line between Connecticut and New York being fixed at Byram river, about twenty miles eeſt of the Hudſon.

In 1680, Sir William Penn obtained from the crown a tract of land, extending from twelv miles north of New Caſtle, on the Delaware, to the forty third degree of latitude, and from the Delaware weſtward five degrees of longitude. This grant interfered with the patent of Connecticut, provided the grant to the guvernor and company of Connecticut ſhould be extended weſt of New York, according to the words of that and the other grants of New England. Mr. Penn took care to gain a juſt title to hiz patent by bona fide purchaſes of the Indians, who poſſeſſed the ſoil. But the queſtion iz, whether he had a right of pre-emption to lands before granted to other men; and whether the king's grant to him could be valid, ſo far az it cuvered lands alredy conveyed by the

the crown to a company, which had begun ſettlements upon the grant.

The Penſylvanians contended that, the geografy of this country being little known in England, az all the maps and charts at that time were imperfect and erroneous, it muſt hav been owing to an ignorance of the diſtance from the Atlantic to the South See, that the grants were made to run thro the continent: That Mr. Penn had acquired the beſt of titles to the lands in diſpute by fair purchaſe from the nativ proprietors: And that Connecticut, by a ſettlement of her boundary with New York, had fixed her weſtern limits, and relinquiſhed all claim to lands weſt of New York.

While any part of Connecticut, eeſt of New York, remained unlocated, the inhabitants ſuffered their claims weſtward to lie dormant. But about the yeer 1750, the whole of this territory waz located, and the peeple began to think of forming a ſettlement weſt of Delaware river. They however knew that the lands were claimed by Penſylvania, and to remoov all douts az to the validity of their own title, requeſted the opinions of the moſt eminent council in England, upon their right by charter to the lands in queſtion. They receeved for anſwer, that the grant to the Plimouth company, did extend to the weſtward of New York; That the ſettlement of the boundary line between New York and Connecticut, did not affect their claims to lands in other parts: And that, the charter of Connecticut being of a prior date to that of Sir William Penn, there waz no ground to contend, that the crown could make an effectual grant to him of that country which had been ſo recently granted to others. This anſwer waz ſo deciſiv and cleer in favor of their claim, that they proceeded to locate and ſettle the lands on the Suſquehanna river, within the latitude of the Connecticut charter. It ſeems however that a few ſcattering ſettlements had been made within the ſame latitude, on the oppoſit ſide of the river, under Penſylvania locations. The ſettlers ſoon came to an open quarrel, and both ſtates became intereſted in the controverſy. The

diſpute

diſpute however ſubſided a few yeers during the war, til finally both ſtates ſubmitted their claims to the *juriſdiction of the territory*, to a federal court, which waz held at Trenton, in November, 1782. The deciſion of this court waz in favor of Penſylvania, and Connecticut acquieſced.

Diſſatisfied with this decree, the ſettlers under Connecticut and individual claimants, determined to maintain their *right to the ſoil*, which they had poſſeſſed more than twenty five yeers; and to ſubmit this alſo to a federal court. No court however waz ever held for the purpoſe; the claimants not finding any ſupport from the guvernment of Connecticut. The ſettlers, amounting to many hundreds, remained upon the ſoil. Penſylvania, by a precipitancy ariſing out of an imperfect frame of guvernment, reſolved to take poſſeſſion of the lands, and ſent an armed force for the purpoſe. This mezure waz raſh, eſpecially az the principal ſettlers had taken the oath of allegiance to that ſtate, and were willing, if they could be quieted in their poſſeſſions, to becum good and peeceable citizens. Tumults followed; the hiſtory of which would be diſagreeable to moſt reeders. At length, Penſylvania paſſed a law to quiet thoze who were actual ſettlers before the decree at Trenton, in the poſſeſſion of their farms, amounting to about three hundred akers eech. The territory waz erected into a county, by the name of Luzerne, in honor of the French miniſter of that name. Colonel Pickering waz appointed Prothonotary* of the county. This gentleman haz ſuffered much in reconciling parties; but hiz integrity, zeel, prudence, and indefatigable induſtry, bid fair to meet with merited ſucceſs in quieting diſorders and eſtabliſhing guvernment.

In this controverſy, ſeveral queſtions arize. Firſt, What right had the crown of England to the lands in North America?

I anſwer, the *right of diſcuvery*. This right, however the law of nations may hav conſidered it, does not in fact entitle a prince or ſtate to the ſoil, even of an

* Clerk or regiſter.

an uninhabited territory; much leſs, of lands poſſeſſed by any of the human race. It entitles the diſcuvering nation to a preference in forming ſettlements or occupying vacant lands. And this right iz derived rather from the common convenience of nations, or the neceſſity of ſome principle by which to prevent controverſy, than from any connection between *diſcuvery* and a *title to property*.

Secondly, What right could the grantees derive from a royal grant of lands in America?

I anſwer, merely a *right of pre-emption*, or a preference in purchaſing the lands of the proprietors, the nativ Indians.

Thirdly, The guvernor and company of Connecticut, by the prior date of their charter, having the right of pre-emption to all the lands cuvered by the charter, could Mr. Penn acquire a title to any of the ſame lands by pre-emption?

On legal principles he certainly could not.

The only ſubſtantial ground of title which Penſylvania could hav to the controverted lands, waz, that Connecticut, by neglecting to purchaſe of the Indians, might forfit their right of pre-emption, and leev the territory open to any purchaſer whatever; ſo that Mr. Penn or hiz heirs might acquire a good title by firſt purchaſe. Whether Mr. Penn actually acquired ſuch a title or not, I am not poſſeſſed of documents to decide. That the firſt grant of New England actually extended to the Weſtern or Pacific Ocean, cannot be denied; and congreſs hav admitted the claim, by accepting from Connecticut a ceſſion of lands weſt of Penſylvania. Connecticut however ſtil holds a tract of one hundred and twenty miles, weſt of that ſtate, which iz now for ſale. The ſtate of Maſſachuſetts haz a ſimilar claim to lands weſt of New York ſtate; and the line between the two ſtates haz lately been ſettled by commiſſioners. At any rate, the controverſy between Connecticut and Penſylvania waz finally terminated by the decree of Trenton, and it iz to be wiſhed no future altercation may diſturb the ſtates or individual proprietors.

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The ſmall ſtate of Delaware reſembles Penſylvania in reſpect to its hiſtory and guvernment.

Maryland waz ſettled by Roman Catholic emigrants, from England and Ireland, under lord Baltimore. Large grants of land were carved out to individuals, and ſlaves purchaſed from Africa to cultivate the ſoil. Some of the largeſt eſtates in America lie in Maryland. The guvernment waz formerly in the hands of the proprietary; but the peeple, at the revolution, aſſumed it. Mr. Hanford, the natural ſon of lord Baltimore, inherited hiz property in Maryland; but being an abſentee during the war, hiz eſtates were confiſcated, and on petition, the legiſlature refuzed him even the arreerages of rent, du at the commencement of hoſtilities.*

The preſent conſtitution iz in general excellent; and particularly in the eſtabliſhment of an independent ſenate. In a popular ſtate, nothing contributes ſo much to ſtability and ſafety, az an independency and firmneſs in one branch of the legiſlature. This ſtate however, like its nabors, iz remarkable for tumultuous elections; a malpractice that haz exiſted from its firſt ſettlement; a practice which wil ſooner or later proov fatal to the attempts of merit in obtaining offices, and ſap the foundation of a free guvernment.

The body of the peeple are ignorant. I once ſaw a copy of inſtructions given to a repreſentativ by hiz conſtituents, with more than a hundred names ſubſcribed; three fifths of which were marked with a croſs, becauſe the men could not write. Two or three colleges, and ſome academies and private ſkools, conſtitute the principal meens of inſtruction in this ſtate, and moſt of theze are of a modern eſtabliſhment. A few large towns only giv good encuragement to ſkools and the clergy.

Maryland continues to receev multitudes of emigrants from Europe, and many of them are of the pooreſt claſs. From ſeveral months rezidence in Maryland, I am inclined to beleev, there are more vagabonds in

* See the proceedings of the legiſlature of Maryland in 1785.

in Baltimore and the vicinity, than in all New England. But Maryland muſt decide upon the public benefit derived from this unreſtrained admiſſion of foreigners.

Virginia waz ſettled *eight* yeers before New York, and *fourteen* before New England. This circumſtance haz given the ſtate the quaint appellation of the *ancient dominion*. The diviſions of property are large, and the lands cultivated by ſlaves. Entailments of land were barred before the revolution; but real eſtate iz not liable for det upon an execution. It appeers ſtrange at firſt view, that men ſhould exempt their lands from this liability, and at the ſame time, ſuffer their perſons to be imprizoned for det: The ſingularity however iz eezily accounted for, by their karacteriſtic attachment to *large eſtates*, or rather to the *name* of poſſeſſing them. When a man's conſequence and reputation depend principally on the quantity of land and number of negroes *he iz ſaid to poſſeſs*, he will not riſk both for the ſake of hiz creditors. The paſſion for the *name of a planter*, abſorbs all other conſiderations. I waz once preſent at an entertainment, given by a *yung planter* in Virginia, who had *much land* and *many ſlaves*. He aroze at two o'clock next morning, pawned hiz knee buckles and ſome other articles, gave hiz landlord a note for about ſixty dollars, and rode off without paying hiz hair-dreſſer. But he waz *ſaid* to be a man of property. Many of the planters are indeed nominally rich; but their dets are not paid. I waz told by wel informed planters, that ſome whole counties in Virginia would hardly ſel for the valu of the dets du from the inhabitants. The Virginians, it iz tru, owe immenſe ſums to Britiſh merchants, and the difficulty of paying them might be a principal reezon for ſuſpending the collection by law, at the cloze of the war; but that the real eſtates of a whole county would not diſcharge the dets of it, iz not to be beleeved.

A large part of the peeple in Virginia hav not the meens of education. The diſperſed ſituation of the planters in the ſuthern ſtates, renders it impoſſible for

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all to hav acceſs to ſkools. The univerſity of Williamſburg, and a few academies in large towns, conſtitute the principal meens of education in Virginia; and the ſame remark iz applicable to all the ſuthern ſtates. But a ſmall proportion of the white children can reep any advantage from theze inſtitutions. Since the revolution, the legiſlatures of all the ſuthern ſtates hav ſhown a diſpozition to giv liberal encuragement to the education of every rank of citizens; but the local circumſtances or habits of the peeple throw innumerable obſtacles in the way of executing their patriotic deſigns. Gentlemen of property, reziding on their plantations at a diſtance from a village, wil ſometimes hire a private inſtructor in their families; but theze inſtructors muſt be vagabonds, for the moſt part; az the gentlemen wil not admit that a *ſkoolmaſter* can be a *gentleman*; in conſequence of which opinion, moſt or all teechers are excluded from genteel company. While this iz the caſe, men of good breeding wil not be found to teech their children. An exception muſt be made of *grammar maſters*, az they are called; for a man who can teech Latin, they ſuppoze, may be a *decent* man, and fit for gentlemen's company.

Religion fares worſe in Virginia than education. Before the war, the epiſcopal waz the eſtabliſhed religion of the province, and the churches were liberally endowed by law. A pariſh uſually contained four churches, in eech of which a clergyman officiated in rotation, one Sunday in a month. But this greevous burthen waz remooved by the revolution, and great numbers of pariſhes hav no officiating miniſter. A motion waz brot forward in 1785, to make ſome legal provizion for ſupporting clergymen; but the propoſition waz ſuſpended til the next ſeſſion of the legiſlature. In the meen time a pompous retorical memorial waz circulated and ſubſcribed, in oppozition to the mezure. The arguments uzed againſt any eccleſiaſtical eſtabliſhments were ſplendid, *liberal* and efficacious; and at the following ſeſſion, the legiſlature paſſed a declaratory

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argumentativ reſolv againſt giving religion any eſtabliſhment and protection.*

When men hav thrown off a reſtraint that iz diſagreeable and unreezonable, it iz to be expected that they wil run into the extreme of licentiouſneſs. Yet it iz one of the moſt difficult problems in the hiſtory of theze ſtates, that the liberal and eminently lerned men, who conduct the guvernment of Virginia, (and many of their leeding karacters are of this deſcription) ſhould not view the miniſters of religion, in America, az deſtitute of that odious and tremendous authority over human conſciences, which waz aſſumed under the papal hierarky. I can hardly beleev a man of reeding and reflection to be ſerious, when he aſſerts that legiſlatures hav no right to compel the ſubject to *contribute to the ſupport of clergymen*, becauſe they hav no authority *over men's conſciences*. Neether clergymen nor human laws hav the leeſt authority over the conſcience; nor iz any ſuch power implied in a law compelling every citizen to contribute annually to the ſupport of a clergyman. But any ſovereign authority may juſtly command the citizens to eſtabliſh and attend religious aſſemblies, az wel az to meet for the choice of repreſentativs, or ſend their children to a ſkool; powers which were never queſtioned. A man iz not bound in conſcience to beleev all the inſtructions of hiz preceptor; nor are the citizens compellable to beleev the opinions and deciſions of a court of juſtice; but the legiſlature haz a right to compel every citizen to pay hiz proportion of taxes to maintain preceptors and judges. This iz preciſely the fact with reſpect to a legal ſupport of clergymen.

No man iz bound in law or conſcience to beleev all a preecher ſays; but the whole queſtion iz this; are clergymen, az moral inſtructors, a beneficial order of men? Haz their miniſtration a good effect upon ſociety? If this ſhould be admitted, there iz no more dout of

* Virginia however iz not alone in this mezure. Rhode Iſland formerly took the ſame ſteps, and ſtil adheres to its *liberality*.

of the right of a legiſlature to ſupport ſuch men by law, than there iz of their right of inſtituting univerſities or courts of juſtice. That enormous error which ſeems to be rivetted in popular opinion, *that the functions of clergymen are of a ſpiritual and divine nature, and that this order of men ſhould hav no concern with ſecular affairs*, haz laid the foundation of a ſeparation of intereſt and influence between the civil and eccleſiaſtical orders; haz produced a rivalſhip az fatal to the peece of ſociety az war and peſtilence, and a prejudice againſt *all orders* of preechers, which bids fair to baniſh the "goſpel of peece" from ſome parts of our empire. The Kriſtian religion, in its purity, iz the beſt inſtitution on erth for ſoftening the ferocious tempers, and awakening the benevolent affections of men. To this religion, Europe and America are indetted for half their civilization. There hav been periods, when mankind hav ſuffered from eccleſiaſtical tyranny; but information iz demoliſhing all ſyſtems of deſpotiſm, civil and eccleſiaſtical. And when the clergy themſelves leev all rangling about ſpeculativ points, which neether they nor philoſophers underſtand, and confine themſelves to publiſhing and enforcing the benevolent precepts of a goſpel which breethes nothing but univerſal luv and peece to all mankind, they wil remoov the prejudices againſt their order, they wil be *really* the meſſengers of peece, they wil conciliate affection, and thus open the harts of men to receev impreſſions of virtue, they wil make men good citizens here, without which they are never prepared to be members of a heavenly ſociety; and finally they wil eſtabliſh a *rational moral influence* over an enlightened peeple, equally fatal to the declamation of ranting fanatics, and the pernicious amuſement of gambling at inns and horſe-races.

In the Carolinas and Georgia, we find the ſtate of property, literature and religion, reſembling that in Virginia and Maryland. Charleſton iz remarkable for its hoſpitality and good order. But in the ſtates ſouth of Penſylvania and Delaware, the diviſions of property, the habits of the peeple, and the diſperſed

local

local ſituation of the planters, are all unfavorable to improovments of any kind. Men who liv remote from ſociety, ſurrounded only by ſlaves, acquire manners ſingular and often diſagreeably imperious, ruſ and clowniſh. Urbanity iz acquired only in ſocieties of wel bred peeple. They cannot hav the benefit of ſkools and churches, without which the body of a peeple *cannot* be wel informed, and *wil* not acquire ſocial and virtuous habits. The manners of ſettlement therefore, tho it may be neceſſary and beneficial to individuals, may be conſidered az highly inauſpicious in a yung country, whoze conſtitutions of guvernment are founded on the principle of equality, and cannot fluriſh without mildneſs of manners and a general diffuſion of knowlege.

In the agricultural improovments of the united ſtates, there iz a remarkable difference, which muſt hav proceeded principally from the ſlavery of the ſuthern. In Virginia and Maryland, I ſhould queſtion whether a tenth of the land iz yet cultivated. In New England, more than half the whole iz cultivated, and in Connecticut, ſcarcely a tenth remains in a wild ſtate. Yet Virginia haz been ſettled longer than New England.

I once heerd the *Prezident* remark, "that from the northern to the ſuthern ſtates, the agricultural improovments are in an inverſe proportion to the number of ſlaves." This remark, like the actions of that illuſtrious karacter, dezerves to be engraven on monuments of marble. Slaves hav no motiv to labor; at leeſt, none but what iz common to horſes and cattle. They want the only ſtimulus that unites induſtry with economy, viz. the proſpect of a permanent advantage from their labor.

It haz been obzerved in Europe, that land rented on long leeſes, iz better cultivated, than that which iz farmed on ſhort leeſes. A man who holds lands in fee, will uze them to the beſt advantage, for he expects hiz children wil enjoy the benefit. A man who haz lands on very long leeſes, haz neerly the ſame motivs

to

to improov them. Tenants for life wil make the moſt of lands for themſelves; but wil probably leev them in the moſt impoveriſhed condition. Leſſees for a yeer hav few motivs to keep a farm in good repair; and ſlaves are the worſt cultivaters on erth, az they hav the leeſt intereſt in the fruits of their labor. One yeman, who iz maſter of himſelf and hiz labors, and eets ſubſtantial food, wil perform the work of four ſlaves.

This iz not the whole evil. Slaves not only produce *leſs* than freemen, but they waſte *more*; every ſlave, az Dr. Franklin haz remarked in hiz Miſcellaneous wurks, being, from the nature of ſituation, a *theef*. In addition to this, wherever ſlavery exiſts, a great proportion of inhabitants are rendered indolent, and indolence iz followed by vices and diſſipation.

Suppoze twenty thouſand men to do no produktiv buſineſs; what an immenſe difference wil this make in the cultivation of a ſtate and in the annual income. In New England every man does ſome kind of buſineſs: In the ſuthern ſtates, the proprietors of large plantations do little or no buſineſs. The reezon why the planters make ſuch a profit on the labor of their ſlaves iz, that the ſubſiſtence of negroes iz not very expenſiv. The northern yemanry not only require more clothing than the ſuthern, but they liv on expenſiv food and drinks. Every man, even the pooreſt, makes uſe of tee, ſugar, ſpirits, and a multitude of articles, which are not conſumed by the laborers of any other country.*

But

* The conſumption of beef in New England iz the reezon why the exports of that article do not exceed thoze of Ireland. Moſt of the laboring people in New England eet meet twice a day, and az much az their appetites demand. Suppoſe eech perſon to eet but ſix ounces a day on an average, which iz a low eſtimate, and the inhabitants of New England conſume more than *one hundred million* pounds of meet, in a yeer. I do not know what proportion of this iz beef, but the greateſt part iz beef and pork, worth *two pence*, and *two pence half penny* a pound. By the beſt accounts from Ireland, it iz probable the inhabitants do not conſume a *twentieth part* of the meet, conſumed in the northern ſtates, in proport ionto their numbers.

But

But however cheep may be the ſubſiſtence of ſlaves, while every thing iz left to a mercenary unprincipled overſeer and to lazy negroes, a ſtate wil never be wel cultivated. In autumn, 1785, a gentleman in Richmond informed me he had juſt carried ſome manure upon a field *to make an experiment for the firſt time.* This fact wil hardly be beleeved in the northern ſtates. In travelling thro Virginia, from Alexandria to Williamſburg, and alſo to Peterſburg, I ſaw not one milldam, except what conſiſted of mere ſand, thrown acroſs a ſtreem. The idea of conſtructing dams of timber and planks, laid ſo az to make an angle of forty five or fifty degrees with the horizon, that it might gain ſtrength and ſtability in proportion to the preſſure of the incumbent water, ſeemed not, at that time, to hav prevailed in Virginia. In a variety of particulars, the ſlow progreſs of invention in the ſuthern ſtates, was equally remarkable.

Slavery iz an evil of the worſt kind; this iz generally acknowledged. But what remedy can be applied? To liberate the ſlaves at once would be madneſs; it would ruin both maſters and ſlaves. To liberate them gradually, and ſuffer the freed men to liv with the whites, might giv riſe to diſcord and tumults. Colonization, by a gradual exportation, iz an expedient that would be ſafe and effectual, but cannot be put in execution. The probability iz, that, in the lapſe of time, the blacks wil all be blended with the whites; the mixed race wil acquire freedom, and be the predominant

But ſuppoze they conſume a *tenth*; let the New England people reduce the conſumption of meet in the ſame proportion, and they would ſave *ninety millions* for exportation. This at two pence a pound makes the ſum of *two million five hundred thouſand dollars*, which iz a very handſome commercial income. Let the reduction proceed to all kinds of food and clothing; let our common people liv like the poor of Ireland in *all reſpects*, and they would ſave twice the ſum. I would not recommend this to my countrymen; I wiſh them to enjoy good eeting and drinking. But I make theze eſtimates to ſhow them that they never wil hav much *money*; for they eet and drink all they ern.

ant part of the inhabitants. This event haz taken place in Spaniſh America, between the nativs and Spaniards; and, to a great degree, in ſome of the Weſt India iſlands. The ſame event iz rapidly taking place in the ſuthern ſtates. A propozition waz once made in the houſe of delegates, in Virginia, for granting the rights of freemen to the free blacks; it waz not carried; but I do not ſee how any ſtate can deny theze rights to blacks that hav the legal qualifications of property and reſidence. This privilege once granted, would facilitate the intercourſe between the whites and blacks, and haſten the abolition of ſlavery.

In the climate of the united ſtates, there are ſeveral particulars that dezerv notice. In the firſt place, every circumſtance in the local poſition of Atlantic America, concurs to render the wether variable. Theze ſtates extend thro fifteen degrees of latitude, in the temperate zone; conſequently muſt always experience the extremes of winter and ſummer. Every part of this territory experiences ſudden changes of wether; but the moſt numerous and violent changes, are between the 36th and 43d degrees of latitude, on the Atlantic coaſt. Within this diſtrict, the moſt frequent variations ſeem to be in Penſylvania and Maryland. Four months in the winter ſeaſon, the wether in Penſylvania, Maryland and Virginia, reſembles the March wether in New England; almoſt every week exhibiting the varieties of cold, heet, froſt, ſnow and rain. For two months in the ſpring, and one in autumn, New England iz expozed to eeſterly winds and rain; except in theze months, the changes of wether, tho ſometimes ſudden and violent, are not very frequent. The eeſterly winds, which uzually bring rain, ceeſe about the 20th of May.

The variations of wether in the united ſtates, arizing from the latitude of their ſituation, are multiplied by their poſition on the ocean. Water in an ocean iz of a very uniform temperature; whereas land iz eezily heeted and cooled. This circumſtance creates an inceſſant conteſt between heet and cold, on an extenſiv

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ſee coaſt; and of courſe an everlaſting variableneſs of winds. This iz true in all countries. According to this theory, Atlantic America muſt always hav a variable climate.

The ſouth eeſt winds from the ocean, falling upon the continent at right angles with the ſhore, invariably produce rain; the oppoſit, or north weſt winds, proceeding from the high lands in the back country, invariably produce cold cleer wether. North eeſt winds, running parallel with the ſhore, produce ſtorms of ſnow in winter, and long cold ſtorms of rain in ſpring and autum. Our moſt violent gales blow from the north eeſt. A ſouth weſterly wind ſometimes brings rain, and when it firſt blows in winter, iz chilly; but it ſoon moderates cold wether, and in ſummer it iz the *gentle zephyr* of the poets.

In ſpeeking of winds, it iz neceſſary to correct a vulgar error. It iz commonly ſaid, that north weſt winds contract their coldneſs from the vaſt lakes in the north weſt regions of the united ſtates. This iz an unphiloſophical opinion, for water always moderates the temperature of the air; and it iz a wel known fact that the large lakes do not freeze at all; ſo that if we were to feel the wind immediately after paſſing over them, we ſhould find it always temperate. The truth iz, our weſterly winds come from high mountains and high regions of the atmoſphere, which are always cool. The top of the blu ridge, or firſt range of mountains in Virginia, iz about four thouſand feet abuv its baſe. The top of the Allegany or middle ridge, which iz the height of land between the Atlantic and the Miſſiſippi, tho not ſo far from its baſe, muſt be much higher in the atmoſphere. How far the baſe of the blu ridge iz abuv the ſurface of the ocean, haz not been aſcertained; but ſuppoze it five thouſand feet, and the top of the Alleganey, two thouſand feet abuv the blu ridge, and the greateſt elevation of land iz eleven thouſand feet abuv the waters of the Atlantic.

The air on the tops of theze mountains iz never heeted to the degree it iz in the low countries. The cold regions of the atmoſphere are much neerer to ſuch

hights, than to a vaſt extended plain. Thus the tops of mountains are often cuvered with ſnow, when the land at the feet of them, iz fit for plowing. From the regions of air abuv theze mountains, proceed the ſerene cold winds which ſweep the Atlantic ſtates, purifying the atmoſphere and bracing the bodies of animals.

I would juſt remark here, that the climate of the tranſ-alleganean country, wil never be expoſed to the frequent changes of air and violent tempeſts which harraſs the inhabitants of the Atlantic ſhore. The force and diſagreeable effects of eeſterly winds from the ocean, are broken by the mountains; and the northerly winds wil be tempered by paſſing over the lakes; while the ſutherly winds wil be az refreſhing in ſummer az on this eeſtern coaſt. Theze remarks are now verified by facts; altho by being cleered from foreſts, the country wil become more expoſed to variations of wind.

In the ſecond place, it iz obzervable that the climate of America grows more variable, in proportion to the cultivation of the land. Every perſon obzerves this effect of cleering the lands in the eeſtern and middle ſtates. The heet in ſummer, and the cold in winter, are not ſo ſteddy az formerly, being interrupted by cool rains in ſummer, and moderate wether in winter. Our ſprings and autums are longer, the former extending into ſummer, and the latter into winter. The cauſe of this change iz obvious: By levelling the foreſts, we lay open the erth to the ſun, and it becumes more impreſſible with heet and cold. This circumſtance muſt multiply changes of wether. The cultivation neceſſary to produce this effect, haz proceeded about one hundred miles from the Atlantic, or perhaps a little farther. But in Vermont and other back ſettlements, the wether iz yet ſteddy; there being few violent ſtorms, eſpecially in winter. The ſnow falls gently, and lies til ſpring; whereas neer the Atlantic, moderate wether for three or four days, or a warm rain, often ſweeps away the ſnow in January or February.

But

But altho the wether iz growing more variable from the cleering of lands, yet the ſalutary effects of cultivation are vizible in the increeſing ſalubrity of the climate. The agu and fever iz a diſorder that infeſts moſt new ſettlements. Cultivation wil totally remoov the cauſes of this diſorder, from every tract of country, which iz capable of being drained. Forty yeers ago, this diſeeſe prevailed in the ſtate of Connecticut, in the ſame manner it now does in Maryland. But for twenty or thirty yeers paſt, it haz hardly been heerd of in the ſtate. There are a few places expozed to the effluvia of marſhy grounds, where the diſorder ſtil infeſts the inhabitants.

Some parts of the ſuthern ſtates can never be drained; the land iz ſo low that the freſhes in the rivers, or the tides, are almoſt conſtantly cuvering it with water. Vegetable putrefaction may be conſidered az furniſhing the miaſmata in any country; and the greateſt quantities of putrid effluvia are exhaled from lands conſtantly expozed to a flux and reflux of water.

But all countries, except the very mountanous, when firſt cleered, are infeſted with intermittants. Peeple on the fronteers of New York and Vermont, are trubbled with it, eſpecially in low flat tracts of land. The ſurface of a wilderneſs iz cuvered with leevs and rotten wood; at the ſame time, it iz moiſt, the rays of the ſun being excluded by the trees. Therefore when peeple firſt ſettle in a wilderneſs, they are not immediately attacked with intermittents. They muſt lay open the ſurface of the erth to the action of heet and wind; the noxious effluvia then begin to rize, and wil infect the air, til the whole ſurface of the erth iz dry and ſweetened by the heet of the ſun. The amazing difference in the ſtate of a cultivated and uncultivated ſurface of erth, iz demonſtrated by the number of ſmall ſtreems of water, which are dried up by cleering away foreſts. The quantity of water, falling upon the ſurface, may be the ſame; but when land iz cuvered with trees and leevs, it retains the water; when it iz cleered, the water runs off ſuddenly into the large

ſtreems. It iz for this reezon that freſhes in rivers hav becume larger, more frequent, ſudden and deſtructiv, than they were formerly. This fact ſhould be attended to by the ſettlers in a new country, that they may gard againſt ſudden and extraordinary freſhes in the erection of mills and bridges.

It iz vulgarly ſuppoſed that the wether in ſummer iz hotter in the ſuthern ſtates than in the northern. This opinion iz not accurate. The truth iz, at particular times, the northern ſtates experience a greater degree of heet than iz ever known in the ſuthern. In the ſummer munths, the mercury in Farenheit often rizes, in the middle of the day, much higher at Boſton, than at Charleſton, in South Carolina. Thus in July, 1789, the mercury roze to 90° or upwards no leſs than ſix days, and once to 93°, in the vicinity of Boſton; whereas at Charlſton, it roze but once to 88° during the ſame munth, and but four days to 87°. Beſides the meteorological obzervations I hav, were made at Boſton, at *one* o'clock, P. M. and in Charleſton, at *two* o'clock, when the heet iz uſually the greateſt. In Auguſt, the ſame yeer, the mercury roze at Boſton* four days to 90, and once to 95°; but in Charleſton, it roze but once to 89°. The remark then ought not to be, that the heet at the ſuthward iz *greater*; but that it *continus longer*; that iz, the aggregate quantity of heet in the ſuthern latitudes, exceeds that in the northern. I hav taken ſome pains to aſcertain the difference, and omitting decimals, here giv the reſult of my enquiries.

The meen degree of heet for the whole munth of July, 1789, in Charleſton, South Carolina, by Farenheit's thermometer, waz az follows:

At 6 o'clock, A. M.	74°	Total meen of the month 78.
At 2 o'clock, P. M.	83	
At 10 o'clock, P. M.	77	

For

* I ſay Boſton, but I beleev the obſervations to be made at Cambridge.

For *AUGUST*, 1789.

At 6 o'clock, A. M.	75	Total meen 77 neerly.
At 2 o'clock, P. M.	83	
At 10 o'clock, P. M.	72	

The meen degree of heet, at Spring-Mill, a few miles from Philadelphia, for *July*, waz 74.

The meen degree of heet, at Boſton, for July, waz

At 7 o'clock, A. M.	67	Total meen 71° neerly.
At 1 o'clock, P. M.	80	
At 9 o'clock, P. M.	67	

For *AUGUST*.

At 7 o'clock, A. M.	62	Total meen 68 neerly.
At 1 o'clock, P. M.	77	
At 9 o'clock, P. M.	66	

Theze facts, tho they cannot be the foundation of exact calculations, becauſe the obſervations were not made at the ſame hour of the day, and perhaps the thermometers were not exactly alike or in the ſame ſituation az to heet, the facts I ſay may ſtil eſtabliſh the following concluſion:

That tho the middle of the days in ſummer may be az warm and even warmer in New England, than in Carolina, yet the nights are much cooler.

In July, the meen temperature at Boſton, at ſeven o'clock in the morning, waz ſeven degrees leſs than at Charleſton at ſix o'clock. At one o'clock, P. M. the meen heet at Boſton waz within three degrees of the heet in Charleſton at two o'clock. At ten o'clock at night, the meen heet at Charleſton, waz ten degrees abuv that at Boſton at nine o'clock. The meen temperature for the whole month in Charleſton, exceeded that in Boſton, ſeven degrees. Similar remarks may be made of the munth of Auguſt.

Meen heet at Charleſton, for January, 1789.

At 7 o'clock, A. M.	50	Total meen 52⅓.
At 2 P. M.	55	
At 10 P. M.	52	

At

At Boſton, for the ſame munth.

At 7 o'clock,	A. M.	21	Total meen 25 neerly.
At 1	P. M.	29	
At 9	P. M.	24	

Meen heet at Philadelphia, for January, 1789, 30°.

Here we may remark, that altho the meen heet of New England, in the ſummer munths, approaches within ſeven, eight, or nine degrees of that in Charleſton, yet in winter, it iz leſs than *half* the heet at Charleſton; the meen degree in Boſton being twenty five, and in Charleſton, fifty two.

The meen temperature in Charleſton, for March, 1789, waz about ſixty one; and in Boſton, for the ſame munth, a little leſs than thirty five, which iz more than half. In Penſylvania, the ſame munth, the meen waz forty.

So far az I am able to calculate on obzervations in my poſſeſſion, I find the aggregate quantity of heet in South Carolina, for a whole yeer, iz to that in New England, az twenty to eleven; yet there are ſeveral days almoſt every yeer, when the mercury in New England rizes higher at noon than it ever does in Carolina at any time. This may be aſcribed to the ſuperior length of the days in the northern latitudes.

The heet of the ſuthern latitude iz ſuppoſed to produce fevers and other fatal diſorders which prevail in the Carolinas and Georgia. But heet iz not very often pernicious, unleſs when operating upon a low, wet, marſhy ſurface of earth. All hilly countries are helthy; and the air of the mountanous parts of Carolina, two or three hundred miles from the ſee, iz in general ſalubrious. But the marſh-effluvia iz not the only cauſe of diſeeſe; bad water iz a cauſe that ſhould be mentioned, and this abounds in a flat country; whereas the water on hills and mountains iz generally pure. In a great number of towns to the ſuthward of the Delaware, and in ſome to the northward, the want of good water iz a capital inconvenience.

On the whole, the climate of America iz az ſalubrious, az that of any country in the ſame ſtate of cultivation.

vation. The European naturaliſts, with more ſpleen than knowlege, hav condemned the climate of America, az unfavorable to animal growth and perfection; but if their ideas are founded on facts, the facts muſt be taken from the naborhood of an Indigo plantation. America, like all new countries, haz been expozed to certain annual epidemic diſorders; but wherever the ſurface of the erth haz been, for a few yeers, cultivated, theze diſorders hav ceeſed to rage. I am confident that Connecticut, the moſt cultivated ſtate in the union, iz now az helthy az the ſouth of France. I am confident that the inhabitants enjoy az general helth, and liv az long. Az to ſize, no part of the world can boaſt of larger and more robuſt men than the northern ſtates. If I miſtake not, the Engliſh eſtimate the mean hight of their men to be *five feet, ſeven inches*; but I am confident the average hight of the men in New England, iz not leſs than *five feet nine, or ten inches.*

I could wiſh to aſcertain the difference in the weight of the atmoſphere at Boſton and Charleſton; but hav no obzervations on the barometer from the latter place. The difference between the weight at Boſton and Philadelphia, upon an average of thirty days, appeers to be very trifling, altho at any given day or hour, it may be conſiderable.

There are ſome curious facts reſpecting the coaſt of North America, which dezerve notis.

The Miſſiſippi iz a river of great length, running from the high northern latitudes, in neerly a ſouth direction. It iz deep and rapid. It reſembles the Nile in Africa, particularly in making land where it iz diſcharged into the ocean. By the moſt accurate obzervations of Mr. Huchins and others, the diſtance from the Balize to New Orleans, iz ſomething more than two hundred miles, the whole of which iz land formed by the diſcharge of the river. The Nile, in the time of Herodotus, had formed conſiderable ilans, which were then inhabited. Theze ilans ſtil exiſt, between the ſeveral channels by which that river iz diſcharged. It iz probable, that by an accurate calculation of the

deſent

deſent of the waters of the Miſſiſippi, in certain places, taking into account the moſt rapid and moſt moderate flow, and aſcertaining the diſtance of the mouth from the moſt northerly ſources, we might find, to a tolerable degree of accuracy, the elevation of the land at the ſources of that river, abuv the level of the ocean.

Perhaps it wil be found that the mountains and lands at the north weſt, are much higher in America than in the north of Europe. Iz not this probable from the hight of the Allegany, and the rapidity of the river Miſſiſippi? And would not the fact, if prooved, in conjunction with other cauſes, which are wel known, fully account for the ſuperior degree of cold in America under the ſame parallels? It iz wel known that there are no conſiderable mountains to the north eeſt of Great Britain, thro Denmark, Sweden and Ruſſia.

On the Atlantic ſhore of America, the Gulf Streem iz a curious phenomenon. It iz however wel accounted for, on the ſuppoſition that the trade winds drive the waters of the ocean weſtward into the ſpacious gulf of Mexico, where meeting the continent, they are forced between the Bahama ilans and the coaſt of Florida, and take their direction along the ſhore of the united ſtates. Such an immenſe body of waters, flowing at the rate of three miles an hour, muſt produce innumerable currents neer the ſhore; for every point of land wil occaſion an eddy, which wil be in proportion to the extent of the point or cape from main coaſt. Hence the variety of currents, in all directions, between the ſtreem and the American coaſt, which are obzerved by our ſeemen.

Theze currents and eddies, at the ſame time *produce* and *add to*, the points of land ſhooting into the ocean. The cape of Florida iz probably produced between a vaſt eddy of waters in the Mexican gulf, and the ſtreem which flows between the ſhore and Bahamas. For theory indicates that the principal body of water, carried along the Spaniſh main, or between that and the Weſt India ilans, muſt be forced to bend its courſe on the Mexican ſhore, and by the coaſt of Weſt Florida, be thrown into a circular motion, ſo az to form a vaſt

eddy

eddy to the ſuthward and weſtward of Eeeſt Florida. Where this iz met by the ſtreem, a point of land muſt neceſſarily be formed.

It iz not improbable that Cape Koman, Cape Fear, Cape Hatteras, and Cape Cod, may be formed by ſimjilar currents, within the main Gulf Streem. A conſiderable extent of land on the coaſt of Carolina and Georgia, appeers to be made by the waſhing down of ſand from the high country, and the waſhing up of ſand by the Atlantic, whoze ſurges almoſt inceſſantly beet the ſhore. But this alone wil not account for the extenſion of points of ſand, ten, fifteen or twenty leegs into the ocean.

It iz a fact that capes and promontories are more frequently harraſſed with tempeſts, lightning and thunder, than other parts of the ſhore or continent. This haz been remarked of New York and Cape Hatteras. Can a philoſophical reezon be aſſigned for this phenomenon? Perhaps there may be ſome attractiv power in land thus ſituated; and perhaps tempeſts are generated by the agitation of the air, produced by a flux and reflux of water, or a variety of oppoſit currents. A ſtorm hangs over Cape Hatteras, every day, for a conſiderable part of the yeer. I hav been witneſs to the fact, for a number of days in ſucceſſion. This circumſtance increeſes the terror of navigating that coaſt; otherwize ſo formidable to ſeemen for ſhoals and breakers.*

In examining the harbors of North America, we find moſt of them prezent a channel or entrance neerly at right angles with the ſhore. The entrance into moſt of them iz between the points of weſt and north. The entrance into Newport, iz the ſafeſt in America, and this iz almoſt the only harbor in the united ſtates which can be made with a northweſterly wind. This circumſtance iz highly favorable to ſhips coming upon the coaſt in winter. This harbor iz capacious enough to admit all the navees in Europe, and, if defenſible, may be the proper Portſmouth of America.

* I once paſſed the cape at *five* or *ſix leegs* from the breakers, and found but ſeven fathoms of water.

No.

No. XXVIII.

The following iz part of an "Eſſay on the Dets of the United States," written in 1787, but never before publiſhed. The queſtion haz been ably diſcuſſed in Congreſs, and the propoſition for a diſcrimination between original and purchaſing holders of certificates, which I had ſtarted, without the proſpect of ſupport, haz been maintained by very powerful arguments in our federal legiſlature. Az the queſtion now appeers to my mind, I ſhould vote againſt the propoſition, yet merely on the ground that from the manner in which the certificates were iſſued, it iz impoſſible to diſcriminate, without multiplying the inſtances of hardſhip and injuſtice. But I hav no more dout, that legiſlatures hav a right to interfere, in certain extreme caſes, and ſuſpend or counteract the operation of legal principles, than I hav of any reveeled truth or intuitiv propoſition; and were it poſſible to aſcertain the original holders of certificates, I conceev our legiſlators could not hav neglected a proviſion for their loſſes, without violating their oaths, the conſtitution and public faith. The following extract iz publiſhed, becauſe I am deſirous my opinion on this ſubject ſhould be known and recorded.

HARTFORD, MARCH, 1790.

On a DISCRIMINATION *between the* ORIGINAL HOLDERS *and the* PURCHASERS *of the* CERTIFICATES *of the* UNITED STATES.

OBJECTION 1. IT iz ſaid that *public faith* requires the payment of the certificates, according to contract; that iz, to the bearers. Let me aſk the men who contend for promiſe, what they meen by *public faith?* Did the public ever promiſe to do rong? The money waz du to men who erned it; the money waz not paid. The full valu expreſſed on the certificates

certificates waz du, and the certificates were worth but a fourth, or perhaps an eighth part of that valu. The public promiſed the creditors their full demands; but theze promiſes, at the time of iſſuing the certificates, were actually worth but a ſmall part of that demand. Ought the creditors to be diſmiſſed with this part of their money, and then compelled to pay the full valu of the certificates to their nabors, who purchaſed them at their current price? If this iz right, my ideas of juſtice are *rong*. Public faith iz ſuppozed to be founded on juſtice. The public engaged to do juſtice to its creditors; but this juſtice *has* not been done; and it appeers to me az plain az the ſhining of the ſun, that if the certificates ſhould be paid to the bearers, juſtice *wil* not be done. The creditors at the time of contract, expected to receev gold and ſilver, or ſomething equivalent; they hav receeved neether the one nor the other. They receeved articles which were worth but a fourth part of their demands; for the remaindet of their money, the public iz ſtil their detor. Public faith therefore requires, that the full valu of the alienated certificates ſhould not be paid to the bearer. It appeers to me that the principles of equity, rather than of law, ſhould decide this important queſtion. It iz the deſign of the contract, not the words, which ſhould be purſued; for it muſt be remembered, that the deſign of the public haz been counteracted. The intention of the public, expreſſed on the certificates, has been defeated by the public exigences; and to purſue the words of the engagement, wil now produce an effect which waz not deſigned, *viz. extenſiv injuſtice*.

In this ſituation the public haz an undouted right to call in the evidences of the det, and form a ſyſtem that ſhall be effectual in the diſtribution of juſtice. If the public ſuppoze that any arrangement for this purpoze can be made, they certainly hav a right to attempt it; for the object of the attempt would be public juſtice. The ſticklers for paying the det to the preſent holders, hav the ſame object in view, *national faith*; but their ideas of this faith, ſeem to be derived from the practice

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of other nations, the ſituation of whoze dets bears very little analogy to that of ours. They therefore advance an argument againſt their own cauze; for the faith of the public iz prezerved by fulfilling *the intention*, rather than the *words*, of the contract.

Every dollar of old continental currency, promiſes a Spaniſh milled dollar. This promiſe waz founded on the ſuppozition that the valu would be neerly the ſame, or waz deſigned to prezerve the valu. But the depreciation of that currency, by the enormous ſums in circulation, rendered the fulfilment of the promiſe impracticable; and had it been attempted, it would hav thrown the united ſtates into confuſion. The redemption of the bills, at their nominal valu, would hav done juſtice to a few, whoze money had depreciated in their hands, but would hav ruined fifty times the number. Thoze who loſt their property by continental bills, ought to be indemnified, if the perſons and ſums loſt could be aſcertained; but this iz impoſſible. The caſe of the certificates iz different. Theze are promiſſory notes, expreſſing the ſums du, and the perſons names to whom they were given. If in ſome inſtances the purchaſers hav returned alienated certificates to the office, and taken out new ones in their own names, ſtil the public books may remedy this inconvenience.

2. But it iz ſaid the creditors of the public parted with their certificates voluntarily. It waz at their own option, whether to keep them or not; and if they choze to alienate them at a diſcount, the public iz not reſponſible for the loſs. *A* owes *B* 100l. he cannot make immediate payment, but haz property to ſecure *B*, who takes a promiſſory note. *B* wants the money, and rather than wait for *A's* ability to pay it, he aſſigns the note to *C* for 50l. In this caſe, *A* cannot refuſe to pay the full ſum of 100l. becauſe *C* gave but fifty for the note. This reezoning iz applied to the caſe of the public det; and yet a ſkool boy ought to be aſhamed of the application. The caſe iz not parrallel, and the reezoning iz defectiv and inapplicable in every particular.

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In the firſt caſe, it iz not tru that the alienation of the certificates waz a voluntary act; but in moſt caſes, waz an act of neceſſity. Moſt of the original creditors were ether *rich* men who loaned money, or poor men who did perſonal ſervice. In many inſtances, thoze who loaned money, loaned all their eſtates; and when they found no provizion made for paying the intereſt, or when the intereſt waz paid in paper of leſs valu than ſpecie, they were left deſtitute of the meens of ſubſiſtence. Some of theze hav been obliged to part with their certificates at a great loſs. But a large number of creditors were poor peeple, who had little or no property, but their certificates, who had performed ſervice, and were under a neceſſity of negociating them on az good terms az they could. Moſt of the alienations hav therefore been a neceſſary conſequence of public delinquency. Many of the creditors hav experienced a degree of diſtreſs, which, in a court of chancery, would entitle them to a conſideration and redreſs. When a number of loſſes iz ſo great az to effect the public, the legiſlature then becumes a court of equity, where the ſufferers muſt ſeek reparation. The legal principle muſt be ſuſpended, and ſpecial proviſion made for this particular caſe. Thoze creditors who were able to keep their certificates, hav generally done it, and on every principle are entitled to the full nominal valu.

In the ſecond place, the caſe of an individual aſſignee of a bond wil not apply; for *B*, in the ſuppoziti on, takes the bond voluntarily. *A*, the dettor, haz property, and it iz optional with *B*, whether to bring a ſuit for the money, recover a judgement, and take *A*'s property, or take a bond on intereſt. This iz generally the caſe with individuals, but not with the public creditors. Theze hav no alternativ; they muſt take promiſes, which the ſubject cannot compel the public to fulfil, when the money iz wanted. In another particular, the two caſes are widely different. *A*, *B*, and *C*, are three diſtinct perſons. *A* iz the dettor, and it iz indifferent whether he pays the det to *B* or *C*. But when *B* haz ſold the note for half the valu, he cannot

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be called upon for the money, nor for any part of it. In the other caſe, the creditors and the public are, in ſome mezure, the ſame perſon. The ſame perſons who looze their property by public delinquency, are afterwards taxed to pay their proportion to the purchaſers. But I wil for a moment ſuppoze the two caſes exactly ſimilar; for I am willing to giv my antagoniſts the faireſt field of argument; and what concluſion can be drawn in favor of paying the certificates to the bearers? Can that reezoning be juſt which draws general conſequences from particular propoziţions? Such bad logic ought not to impeech a man's heart; but it can do very little honor to hiz head.

Do men, who reezon in this manner, conſider that a principle with reſpect to individuals, may be perfectly *juſt*, and yet purſued to a certain degree, it may become entirely falſe? That the ſame principle which may be good in a certain degree, may, in the extreme becume criminal, iz tru not only in politics, but in the natural and moral ſyſtems. Heet and water, prouduce vegetables; but too large portions of either, deſtroy plants. Every paſſion, natural to man, iz good in itſelf, and the wurk of a perfectly wiſe being; but any paſſion indulged to a certain degree, becumes criminal and deſtructiv to ſocial happineſs. Self-love, the ſpring of all action, and in the tru ſenſe of the word, the moſt neceſſary principle in creation, when it becumes exceſſiv, iz az criminal and pernicious, az the moſt malignant paſſion. Eeting and ſleeping are eſſential to helth; but beyond a certain degree, they are hurtful, and may be fatal to the human body.

In politices, the greateſt poſſible good iz the end of guvernment. Any principle, which may be tru, in particular inſtances, but which, when extended to the public, does not produce the greateſt good to ſociety, iz certainly falſe in legiſlation. A law which may be good and neceſſarily in a community, may ſtil bear hard upon individuals. This iz generally tru of all laws. If a man takes a note of another, and ſells it for half its valu, he haz no remedy in law, nor ought the law

law to make provision for hiz case; for laws are, in their nature and use, general; they do not defend to particular cases. The reezon iz obvious. Were laws to notice every inconvenience, which may flow from their operation, they would produce confusion rather than order, and occasion greater injuries to the public, than would result from the losses of individuals. But when such particular losses become general, the principle loozes its force. Sufferings, multiplied to a certain number, become public, and then require the interference of the legislature. If a man iz in det, and cannot pay, he iz at the disposal of the law; the law cannot be suspended nor relaxed for hiz particular benefit. But when the body of a people become involved, the public safety requires a suspension or relaxation of law. If an individual settles upon land of another man, he iz considered az a trespasser, and iz liable to an ejectment. But let thirty thousand men settle thus upon land that iz not their own, and a wize legislature wil confirm them in their possessions. Necessity or general good, in such cases, suspends the operation of legal right, or rather changes *private rongs* into *public right*. Or to express the idea differently; when evils are increesed and extended to a certain degree, it iz better to let them remain, than to risk the application of a violent remedy. Instances of this kind occur so frequently, that it iz needless to multiply examples. Nothing betrays greater weekness, than the reezoning of people, who say, if a principle iz just, it extends to all cases. I should however be very unhappy to hav such men for my legislators. It may be asked, where iz the line of distinction? I answer, it may be impossible to determin. Where the *right* ends, and the *rong* begins; where the legal principle should cease to operate, and special legislativ interference becomes necessary, it may be difficult to discover; but the extreme iz always obvious. Whenever the operation of a receeved maxim or principle givs general uneasiness, it iz a demonstrativ proof that it iz rong; that it produces public evil; and a wize legislator wil

restrain

reſtrain the operation, or eſtabliſh a different principle. On the ſuppozition therefore that the preſent holders of the public det, are preciſely in the ſituation of the aſſignees of bonds, ſtil the principle wil not apply nor warrant the ſame concluſion in both caſes; becauze we cannot reezon from particulars to generals, eſpecially on political ſubjects.

Suppoze the original creditors to be five, and the preſent holders two; more than half the number of creditors hav loſt the money which waz due to them; the loſs affects them in the firſt inſtance, and the hevy taxes which are neceſſary to appreciate the certificates in other hands, double their injuries and complaints. Theze loozing creditors hav an idea that they are really cheeted, and their murmurs foment that popular jealouſy which iz ever bizzy to check large and ſudden revolutions of property. The certificates fall into the hands of rich men, at a great diſcount, and the body of the peeple ſay, "we wil not ſuffer our own loſſes to enrich our welthy nabors."

This outcry, it iz ſaid, proceeds from a levelling principle, which aims to deſtroy all diſtinction of rank and property. But in the preſent caſe, the popular complaints proceed from equitable principles; nor do I know of any inſtance of public jelouſy, excited by an acquizition of property in the courſe of honeſt induſtry. Fortunes may be ſuddenly raized in private buſineſs, by commercial ſpeculations, and no notice taken of the event; but when public delinquency haz thrown numberleſs advantages into the hands of a particular claſs of men, which the peeple know are made at their own expenſe, it iz impoſſible that they ſhould behold ſuch a change of property, without queſtioning the propriety of it, and the juſtneſs of the principle by which it iz defended. When the common ſenſe of mankind iz oppozed to ſuch a change, it ought to be conſidered az a good proof that it iz not juſt.

Whatever concluſions therefore may be drawn from a principle, eſtabliſhed in *courts* of *law*, or among nations in different circumſtances, the public ſenſe of

juſtice

juſtice muſt, after all, decide the queſtion. A lawyer may wurk himſelf up to convictions, in wire-drawing principles; but hiz reezoning iz oppozed to the ſenſe of mankind. Peeple may not be able to *diſcuver* the fallacy of the reezoning, but they can *feel* it. They may be *ſilenced*, but cannot be *convinced*.

One grain of common ſenſe iz worth a thouſand cobweb theories; and however peeple may be abuzed for refining upon juſtice, we rarely find them generally diſpozed to do rong.

The domeſtic det of America furniſhes a new era in the hiſtory of finance. We hav no examples to follow; we muſt purſu ſome practicable ſyſtem, with our eyes invariably fixed on public juſtice. I know it iz ſaid that the original creditors can purchaſe certificates now, at the ſame or a leſs price than they took for them. But this iz not ſtrictly tru. Individuals might purchaſe at a low rate; but a general demand for them would raize their valu much abuv their current valu at any paſt period: For it ſhould be conſidered that hitherto the ſellers hav been numerous, and the purchaſers, few; that iz, a full market, with little demand for the articles. Reverſe the caſe. Let the ſellers becume the purchaſers; the demand would at once raize the valu of the certificates neerly to the face of them.

But if the certificates were to paſs at their preſent low valu, few of thoze who hav alienated them, could re-purchaſe; for the ſame neceſſity which obliged them to ſell at a loſs, now prevents their repurchaſing. Peeple hav not grown rich ſince the revolution; eſpecially thoze who were faithful in the ſervice of their country. At any rate it iz to be wiſhed that the certificates might ceeſe to circulate az objects of ſpeculation. They are a Pandora's box to this country.

Almoſt the whole activ ſpecie of the country iz employed in ſpeculation. Laws prohibiting uſury, reſtrain the loan of money, while the certain profits of ſpeculation amount to five or ten times the legal intereſt. No money can be borrowed; no capitals can

The moſt critiecal period of life, in this reſpect, iz the age of puberty, which iz uſually between thirteen and ſeventeen, or eighteen. Before this period, you are very much in the power of parents or maſters, and if they wiſh to ſee you ſtrong and robuſt, they wil feed you with coarſe ſubſtantial food of eezy digeſtion. But at fourteen yeers old, yung perſons are capable of exerciſing their reezon, in ſome degree, and ought to be inſtructed in the mode of living, beſt calculated to ſecure helth and long life. It iz obzervable that yung perſons of both ſexes grow tall very rapidly about the age of thirteen, fourteen, fifteen or ſixteen; but they do not acquire muſcular ſtrength in du proportion. It ſhould then be the bizzineſs of yung perſons to aſſiſt nature, and ſtrengthen the growing frame by athletic exerciſes.

Thoze perſons who leed a ſedentary life, ſhould practis ſome amuſement which requires conſiderable exertion of the lims; az running, foot ball, quoit; taking care not to injure themſelves by too violent exertion; for this would defeet the ſalutary purpoſe of ſuch exercizes. But the exercize I would moſt recommend, iz *fincing*; for the art itſelf iz highly uſeful at times, and the practice tends more to render the body firm and vigorous than almoſt any exercize whatever. It braces the muſcles of the arm, ſpreds the breſt, opens the cheſt to giv the lungs play; an effect of great conſequence to perſons about the age of puberty. For, az waz before obzerved, perſons of this age, ſhoot up very faſt; the body grows tall, but narrow; the maſs of fleſh and blood iz increeſed much faſter than the tone of the veſſels and muſcular ſtrength; the cheſt iz two narrow for the lungs to perform their office, and the blood veſſels hav not ſufficient elaſticity to produce a briſk free circulation; the ſyſtem iz often too week to carry on the neceſſary ſecretions of the juices; and the conſequence of the whole iz, an obſtructed circulation produces ulcers upon the lungs, which bring on a decay, or ſome infirmities of body, which laſt for many yeers, and not unfrequently for life.

To avoid theze ills, much exerciſe of the arms and body iz not only uſeful, but neceſſary; and when it iz not the lot of yung perſons to labor, in agriculture or mekanic arts, ſome laborious amuſement ſhould be conſtantly and daily purſued az a ſubſtitute, and none iz preferable to fencing. A fencing ſkool iz perhaps az neceſſary an inſtitution in a college, az a profeſſorſhip of mathematics; for yung men uſually enter college about the age of puberty; and often leev a laborious occupation, to commence a ſedentary life, at the very time when labor or other exercize iz the moſt neceſſary to giv firmneſs and vigor to their conſtitutions. In conſequence of this change and an academic life, they often run up into long, ſlender, effeminate bodies, which a ſlight cold may throw into a conſumption; or by intenſe application to books, add, to a debilitated frame of body, a week nervous ſyſtem, which keeps them always dying, tho it may not end life til old age.

Dancing iz an excellent amuſement for yung peeple, eſpecially for thoze of ſedentary occupations. Its excellence conſiſts in exciting a cheerfulneſs of the mind, highly eſſential to helth; in bracing the muſcles of the body, and in producing copious perſpiration. Az the two firſt effects are very viſibly beneficial, they are the ſubject of common obzervation; but the laſt, which iz perhaps the moſt generally beneficial, iz rarely mentioned.

Experience haz led me to the following ideas on this ſubject. Our bodies are ſo conſtituted that a large portion of the juices ſhould be thrown off by inſenſible perſpiration; nor can the proceſs be abated without danger, nor wholly obſtructed without occaſioning diſeeſe. The body muſt perſpire, or muſt be out of order. A violent cold iz a ſudden obſtruction of the proceſs, which throws the matter, intended for evacuation thro the pores of the ſkin, back upon the *inteſtines*, taking the word, not in a tecknical, but in its original extended ſenſe. All that iz neceſſary to cure a cold, which iz not attended with ſymptoms of inflamation, iz

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to open the pores of the body; which may be done by bracing, az by drinking cold water, which excites circulation by its tonic power; or by relaxing the ſyſtem, az by the warm bath and warm teas. The firſt will anſwer, where the body haz vigor enough to giv the tonic its full effect; but iz not ſo efficacious, nor ſo generally practicable az the laſt. It iz not ſo eezy to force thro a wall, az to open a gate.

The common houſe-wifely remedies, conſiſting of butter or other oily ſubſtances, mixed with ſpirits, uſually hav no effect upon a cold, or a bad one. Flannel, warm teas, or ſimple warm water, hav the beſt effect in relaxing; but if they fail of producing a perſpiration, the patient ſhould hav recourſe to exerciſe. Dancing in a warm room, or other violent exerciſe, wil generally throw a perſon into a copious ſwet in a few minutes; and this, two or three times repeeted, wil uſually releev the perſon, however obſtinate the cold. If every thing elſe fails, the warm bath ſhould be reſorted to az an almoſt infallible remedy.

But there iz another ſpecies of obſtructed perſpiration more dangerous perhaps than ſudden colds, becauſe leſs perceptible; I meen, that which proceeds from a week habit of body. Whenever the tone of the veſſels iz loſt, the circulation of the blood becumes languid, the animal heet iz diminiſhed, and the ſyſtem haz not ſtrength ſufficient to throw off the perſpirable matter. The conſequence iz, the ſkin becumes dry and rigid, and the perſon uſually feels a dull pain in hiz hed and the back part of hiz neck. Wimen, literary men, clerks, &c. are moſt expoſed to theze ſymptoms. The remedy for them iz, free perſpiration; but the moſt effectual remedy iz dancing, or other vigorous exerciſe, which increeſes, at the ſame time, animal heet and the tone of the veſſels. Dancing indeed unites to theze, the other advantage of cheerfulneſs and good ſpirits, which iz of ſingular uſe to perſons accuſtomed to cloſe application to bizzineſs or contemplation. The only caution to be obzerved iz, not to go into the cold air, without conſiderable additional clothing.

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In caſes where perſons cannot hav recourſe to dancing or other exercize in a warm room, the warm bath may be uzed to great advantage. At firſt thought, one would imagin, that the cold bath ſhould be preſcribed for giving tone to a week ſyſtem; but on reflection, this would appeer to be generally, tho not always hazardous. The truth iz, a general relaxation of the body checks perſpiration; and the firſt effect of cold, in ſuch caſes, iz to brace the exterior parts of the body, and throw the offending matter, lodged in the ſkin by the debility of the ſyſtem, back upon the lungs, or other interior parts. If the ſyſtem haz ſtrength enough, or can receev enough by the operation of cold, to force open the pores and produce a copious perſpiration, the cold bath wil hav an excellent effect. But when the perſon iz of a week frame, the experiment iz extremely dangerous. The ſafeſt remedy iz the warm bath, which remooves the obſtructing matter by a gentle relaxation of the ſurface; thus enabling the veſſels to recuver their tone, in a degree, and keep up a briſk circulation. The warm bath then iz the moſt ſafe and efficacious remedy for obſtructed perſpiration, occaſioned by debility; and this iz an evil to which all ſedentary peeple are expozed, and by which moſt of them ſuffer.

I hav been often ſuprized that the moderns hav ſo generally neglected the meens of prezerving helth, which were uzed by the ancients. A little attention to the ſtructure of the human body, and the effect of heet and cold upon it, led the ancients to the obvious and almoſt infallable meens of garding themſelves from diſeeze. Their method waz to bathe almoſt daily; and then oil their bodies. By bathing, they kept their perſpiration free, and their bodies of courſe, in vigor and clenly; and by the uſe of oil, they ſecured the body from the fatal effects of ſudden cold. In the later ages of Rome, warm baths indeed became a luxury, and were uzed to exceſs; but this waz only an abuſe of a good thing, the excellent effects of which had been experienced for ages. The neglect of the ſame meens, of preventing diſeeſe, haz obliged the moderns

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to hav recourſe to phyſic, a ſubſtitute, more expenſiv and trubleſome, and not always effectual.*

Whether in bizzineſs or amuſement, let your whole conduct be guided by temperance. Are you ſtudents? Eet moderately, and let your food be of the nutritiv kind, but not oily, high ſeaſoned and indigeſtible. Drink but little, or rather no diſtilled liquors; wine and fermented liquors are much to be preferred. A good cup of tee, iz ſometimes a cordial; coffee may be uzed freely; but the conſtant uſe of hot liquors ſeldom fails to debilitate the ſyſtem and impair the digeſtiv powers.

Whether you reed or rite, accuſtom yourſelves to ſtand at a high deſk, rather than indulge an indolent habit of ſitting, which always weekens, and ſometimes disfigures the body. The neerer you can keep every part of the body to an eezy ſtrait poſture, the more equable wil be the circulation of the fluids; and in order to giv them the moſt unconſtrained flow to the extremities of the lims, it iz very uſeful to looſen thoze parts of dreſs that bind the lims cloſely.

There iz another kind of temperance which I would warmly recommend; that iz, temperance in ſtudy. Little does a helthy robuſt yuth reflect upon the delicate texture of the nervous ſyſtem, which iz immediately affected by cloſe mental application. The full fed muſcular man may ſpurn the caution, that warns him

* It iz evident, from the ſilence of all ancient monuments, that the heeling art waz not cultivated, and ſcarcely known among the old Romans. For ſeveral ages from the bilding of Rome, there iz hardly any mention made of a phyſician. Pliny relates, that Rome fluriſhed, ſix hundred yeers, without phyſicians; that iz, the profeſſion waz not honorable, being confined to ſervants or other low karacters. In Seneca's time, many of theze had acquired eſtates by the bizzineſs; but they were ſtil held in no eſtimation. "Bona in arte medendi humillimiſque quibus contingere videmus." After the conqueſt of Greece and Aſia, the manners of the Romans were corrupted by the luxuries of the eeſt; diſeeſes multiplied, and the practice of phyſic became more neceſſary and more reputable; but the art of ſurgery waz not ſeparated from that of medicin, til the times of the emperors.

him againſt the danger of hypocondriacs; but it iz next to impoſſible that the hard ſtudent, who cloſſets himſelf ſeven or eight hours a day, in deep meditation, ſhould eſcape the deplorable evil, which makes men valetudinarians for life, without hope of a radical cure, and with the wretched conſolation of being perpetually laughed at.

Four hours of uninterrupted ſtudy in a day iz generally ſufficient to furniſh the mind with az many ideas az can be retained, methodized and applied to practice; and it iz wel if one half of what are run over in this time are not loſt. It may ſometimes be neceſſary to ſtudy or reed *more* hours in a day; but it wil az often be found uſeful to reed *leſs*.

When you exercize at any diverſion, or go into company, forget your ſtudies, and giv up yourſelves entirely to the amuſement. It wil do you no good to leev your books behind, unleſs you diſmiſs your attention or train of thinking. Attend to experience. You find it very fateeging to ſtand, ſit or even to lie in one fixed poſture, for any length of time, and change affords releef. The ſame iz tru of the mind. It iz neceſſary, if I may indulge the expreſſion, to change the pozition of the mind; that iz, vary the train of thought; for by a variety of ideas, the mind iz releev-ed, in the ſame degree az the body by a change of poſture.

When you reed, always endevor to reed with ſome particular object. You wil find many books that ought to be red in courſe; but in general when you take up a treetis upon any ſcience, or a volum of hiſtory, without a view to inform yourſelf of ſome *particular* in that wurk, you are not likely to retain what you reed. The object iz too general; the mind iz not capable of embracing the whole. For inſtance, if you reed Hume's England in courſe, with deſign to acquaint yourſelf with the whole ſtory, you wil find, at the end of your labor, that you are able to recollect only a few of the moſt remarkable occurrences; the greateſt part of the hiſtory haz eſcaped you. But if

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you confine yourſelf to *one point of hiſtory* at a time, for example, the life and policy of Alfred, or the account of Mary, queen of Scots, and reed what every author you can lay your hand on, haz ſaid upon that ſubject, comparing their different accounts of it, you wil impreſs the hiſtory upon the mind, ſo az not to be eezily effaced. Law ſtudents ſhould attend to theze remarks.

There iz another kind of temperance of more conſequence than thoze mentioned, viz. temperance in plezure: For to all the perſonal evils of an exceſſiv indulgence of the animal appetite, we may add innumerable evils of a moral and ſocial nature. No intercourſe ſhould take place between the ſexes, til the body haz attained to full ſtrength and maturity. In this reſpect, ancient barbarous nations hav ſet an example, that ought to make moderns bluſh for their effeminacy of manners, and their juvenile indulgences. The old Germans accounted it ſhameful and diſreputable for yung men to hav any intercourſe with the other ſex, before the age of twenty.* To this continence were they much indetted for their muſcular bodies, their helth and longevity. But ſuch an abſtinence from plezure waz not maintained by law; the Germans knew that poſitiv prohibitions would be ineffectual to reſtrain this indulgence; they had recourſe to the only certain method; they made it *diſhonorable*. How different iz the caſe in modern times! So far iz debauchery from being ſcandalous, that it iz frequently the boaſt of men in the firſt offices of ſtate; and a karacter of licentiouſneſs iz little or no objection in a candidate for preferment.†

Oppozed

* Qui diutiſſimè impuberes permanſerunt, maximam inter ſuos ferunt laudem: Hôc ali ſtaturam, ali vires, nervoſque confirmari putant. Intra annum vero xx feminæ notitiam habuiſſe, in turpiſſimis habent rebus.——Ceſar De Bel. Gal. lib. 6. 19.

† The ancients were wiſer than the moderns in many reſpects; and particularly in reſtraining certain vices by *opinion*, rather than by *poſitiv injunctions*. Duelling and profane ſwearing

Oppozed to paſſion and to falſe pride, caution wil perhaps be unavailing. But men who wiſh for permanent happineſs, ſhould be perſuaded to take the meens for ſecuring it. Wil you then run the riſk of erly indulgence in illicit plezure? Some of you *may* eſcape the evils which generally follow; but the chances are againſt you. In nine caſes of ten, you wil deſtroy the vigor of your bodies, and thus impair the ability of enjoyment by exceſs; or what iz an additional evil, you wil contract diſeeſe. What iz the conſequence? Eether your taſte for the vileſt plezures wil grow into habit and make abandoned rakes of you, averſe to the innocent enjoyments of the married life, and of courſe bad members of ſociety; or you wil perhaps marry amiable wimen, with your ſtrength and helth impaired, and your minds debauched, fickle, prone to jelouſy. In this caſe, you are neether ſecure of

ing are prohibited by the laws of moſt countries; yet penalties hav no effect in preventing the crimes, whilſt they are not followed by loſs of reputation. Vices which do not immediately affect the lives, honor or property of men, which are not *ma là in ſe*, which are eezily concealed, or which are ſupported by a principle of honor or reputation, are not reſtrainable by law. Under ſome of theze deſcription fall, duelling, profane ſwearing, gambling, &c. To check ſuch vices, public opinion muſt render them infamous.* Thoze who hav the diſtribution of honors and offices, may reſtrain theze vices by making the commiſſion of them an inſuperable bar to preferment. Were the *Prezident* and the executivs of the ſeveral ſtates, to be az particular in enquiring whether candidates for offices are given to gambling, ſwearing or debaucheries; whether they hav ever given or receeved a challenge, or betrayed an innocent female; az they are in enquiring whether they are men of abilities and integrity; and would they, with undeviating reſolution, proſcribe from their favor and their company, every man whoze karacter, in theze particulars, iz not unimpeechable, they would diminiſh the number of vices, exclude ſome wholly from ſociety, baniſh others from genteel company, and confine their contagion to the herd of mankind. But where iz the man of elevated rank, of great talents, of unſhaken firmneſs, of heroic virtue, to begin the glorious reformation? America may now furniſh the man, but where ſhall hiz ſucceſſor be found?

* See Vattels Law of Nations, b. I. ch. 13.

of your partners affections, nor wil you be likely to know the valu of their virtues. Having broken over the barriers of virtue, you are forever liable to ſtray; and the probability iz, you deſtroy the happineſs of your wives, and the peece of your families. Perhaps with ſome art, and the forgiving temper of your wives, you may conceel the family diſcord, and the wretched ſtate of your minds, from a cenſorious world; pride, reputation, every motiv would urge you to this precaution; but iz not this a poor ſubſtitute for happineſs? A poor conſolation for the multiplied evils that follow, in an endleſs train, from the unreezonable and criminal indulgences of a few yeers? You may be aſſured alſo that a woman of good principles cannot feel a pure ſatisfaction, in the company even of a reformed huſband, when ſhe reflects, az ſhe frequently wil, that he haz waſted hiz helth and ſubſtance upon the vileſt of her ſex. My yung frends, it iz idle, it iz weekneſs and folly to expect any kind of happineſs or plezure, which ſhal indemniſy you for the trubble of ſeeking it, except in the purſuance of the principles which morality preſcribes. Whenever you purſu an object, at the expenſe of any moral principle; when the attainment of your end muſt injure the perſon, the property, the reputation or the feelings of one child of Adam, the acquiſition of that object wil not giv you happineſs; you are purſuing a fantom. This leeds me to ſay ſomething on one of the moſt hanous crimes a man can commit, and which the laws of ſociety cannot or at leeſt do not puniſh; that iz, ſeduction.

Faſhion, which iz often founded on moral propriety, and oftener on political convenience, iz ſometimes an enemy to both; and public opinion, enliſted in the cauze of vice, iz a greater ſcurge to ſociety than war or peſtilence. It iz one of the evils, or rather of the curſes of civilization, that certain crimes, az malignant in their nature, and az fatal in their conſequenees, az murder and robbery, becume faſhionable, and to a certain degree, reputable. Of this kind, iz deliberate ſeduction. It iz az malignant in its nature az murder,

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for it iz accompanied with the ſame aggravation, malice prepenſe, or a premeditated deſign: It iz az fatal to ſociety; for reputation iz az deer az life; and the wretched victims of deception, if they lay violent hands on themſelves, or linger out a life of diſgrace, are equally murdered, equally loſt to ſociety. And the only reezon why the ſeducer and the murderer hav not been placed on a footing by the laws of ſociety, muſt be, the difficulty of proof, or of aſcertaining the degrees of gilt, where there iz a poſſibility or a preſumtion of aſſent on the part of the woman.

There are however certain inſtances of this crime which are az capable of proof az, arſon, burglary or murder; and why the laws of a ſtate, which prohibit under ſevere penalties, the taking or giving more than ſix per cent. intereſt on the loan of money, even on the faireſt contract, ſhould yet permit the ſeducer to take another's reputation, to doom to indelible infamy the helpleſs female, whoze reputation iz all her portion, iz one of thoze problems in ſociety, which the philoſopher wil impute to human imperfection, and the Kriſtian number among the inſcrutable myſteries of providence.

But I am not addreſſing legiſlators; I am reezoning with individuals. Waving the baſeneſs of the crime, let us attend to its conſequences in families and ſociety. You wil doutleſs acknowlege, for I do not ſee how you can deny, that when you deliberately commit a crime that affects your nabor, you explicitly admit that your nabor haz an equal right to commit the ſame crime againſt yourſelves; for I preſume no man wil arrogate to himſelf an excluſiv privilege of being a villan.

You attempt then to ſeduce the wife, the ſiſter, or the dawter of your frend; but hav you none of theze relations? Hav you not a wife, a ſiſter, a dawter, whoze reputation iz deer to you; whoze honor you would die to defend? You hav attacked the honor of your nabor; haz he not the ſame right to aſſail your family, in the ſame delicate point? But if you hav none of

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theze neer connections, hav you no female frend whoze reputatation iz deer to you? Now by attempting the honor of any woman, you wage war with the whole human race; you break down the barriers which nature and ſociety hav eſtabliſhed to gard your *own* family and frends, and leev *their* honor and happineſs, and conſequently your *own*, expoſed to the intreegs of every unprincipled retch: You even invite an attempt upon your family and frends; you beet a challenge, and bid defiance to any man who haz the ſpirit to revenge the rongs of the helpleſs. Theze are ſerious conſiderations, in which men of principle and of no principle are equally intereſted; for an abandoned rake iz uſually az fond of hiz own and hiz family's honor, az the man of the chaſteſt life.

Mingle with your ſuperiors in age and wisdom, whenever you can do it with propriety. If your parents are wize, they wil aſſociate with you az much az poſſible in your amuſements; they wil be cheerful and facetious, and thus make you az happy az you wiſh to be at home. A moroſe crabbed old man iz not inviting company for the yung and ſprightly; and you ought rather to ſhun the illnatured, if poſſible. But whenever your parents are of a cheerful diſpoſition, and luv their children, they make the moſt agreeable and moſt uſeful companions. They wil find amuſements for you at home, and you wil be happier there than any where elſe. If your parents are thus diſpoſed to make themſelves your principal companions, always indulge their inclination. You wil thus avoid the contagion of vicious company, you wil form a habit of contentment and ſatisfaction at home; and remember, if you do not find happineſs there, you wil never find much ſatisfaction abroad.

In chooſing ſociety however, be careful not to puſh yourſelf into company. Yung men are often impatient of the reſtraints which modeſty and decorum impoze upon them. They are anxious to aſſociate with thoze of greater age and rank than themſelves; and expect more notis than mankind in general ſuppoze they

they dezerv. This proceeds from the ambition and fire of youth; the motivs I beleev to be often innocent and laudable; the ambition therefore ſhould be guverned, rather than repreſſed. A little experience wil dictate patience and a modeſt deportment, which, with yeers and information, wil always enſure reſpectability. I once knew a man of twenty two chagrined even to petulence, becauze he could not be admitted a truſtee of a college. I waz ſurprized at hiz ſevere remarks on the venerable body of gentlemen who rejected him. He thought himſelf a man of more ſcience than ſome of the corporation; and therefore better qualified to direct a literary inſtitution. Admit the fact, that he excelled in ſcientific attainments, yet the vexation he felt at hiz diſappointment waz proof enough that he waz deſtitute of the firſt requiſits in the overſeers of yuth, *coolneſs* and *judgement*.

In the world, avoid every ſpecies of affectation, and be az faſhionable az convenience wil warrant. Yet never be the firſt to invent novelty, nor run to exceſs in imitation. This advice, *to be faſhionable*, ſhould however be qualified, and reſtrained to things indifferent, in point of morality. Az the moral karacter of men does not depend on the ſhape of their garments, it iz generally beſt to wear our clothes in the model that faſhion preſcribes; unleſs your circumſtances forbid, or the faſhion itſelf iz inconvenient: For if you are not able to afford the expenſe, it iz criminal in you to follow the cuſtoms of the welthy; and if the ſhape of a garment makes it uneezy upon you or cumberſome, the faſhion iz ridiculous, and none but week people, the common coxcombs and butterflies of the world, wil adopt it. For this reezon follow lord Cheſterfield's maxims with great caution. His letters contain a ſtrange compound of the *beſt* and *worſt* inſtructions ever given to a yung man; indeed it would be expected of a man, whoze object waz not to make hiz ſon *good*, but to make him *ſhowy*.

Hiz lordſhip, I think, recommends to hiz ſon to wear *long nails*; in conſequence of which advice, long nails

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are very faſhionable wherever hiz letters are red. But a man ought to be conſiſtent. Why did he not at the ſame time recommend long beards? Both are very proper among ſavages, who hav no ideas of neetneſs; and one would think they ſhould always go together; but among civilized peeple, both are equally ſlovenly. Hiz lordſhip givs an excellent reezon for hiz advice; that mekanics pare their nails, and *gentlemen* ought to be diſtinguiſhed from *laborers*. Why did not he add, that az mekanics walk on two feet, gentlemen, for ſake of diſtinction, ought to walk on all fours? But hiz lordſhip had better reezons for hiz advice. Long nails are a moſt commodious ſubſtitute, or at leeſt furniſh a reddy alleviation of the evils arizing from a ſparing uſe of ivory. Beſides, hiz lordſhip waz a courtier, fond of royal examples, &c. He found a princely one in the Aſſyrian monark, who, when he waz a beeſt, wore hiz nails in the ſame manner. Nebuchadnezzer however waz under the direction of a divine impulſe; an authority that hiz lordſhip could not claim for *all* hiz injunctions and maxims.

Never let faſhion blind you to convenience and congruity. Do not introduce foreign cuſtoms, without reezon, or by the halves. The French feed themſelves with forks, uzing knives merely to cut their meet; therefore knives with ſharp points, are for them the moſt convenient. But it iz really laughable to ſee the Americans adopting the uſe of ſharp pointed knives, without the practice of feeding themſelves with forks. They do not ſee the particular convenience of the cuſtom in France, where it originated; but it iz *the faſhion to uze them*, and this iz all they think of. They are however well puniſhed for their ſervile apiſhneſs, eſpecially when they are hungry; for a man may az wel feed himſelf with a bodkin, az with a knife of the preſent faſhion.

Be equally careful of affectation in the uſe of language. Uze words that are moſt common and generally underſtood. Remember that ſublimity and elegance do not conſiſt principally in words; az the mod-

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ern ſtile of writing would make us beleev. Sublimity conſiſts in grand and elevated ideas; and elegance iz moſt generally found in a plain, neet, chaſte phraſeology. In pronunciation be very cautious of imitating the ſtage, where indeed nature *ſhould be repreſented*, but where in fact we find too much ſtrutting, mouthing, rant, and every kind of affectation. The modern pronunciation of our language on the Engliſh ſtage iz, beyond meaſure, affected and ridiculous. The change of *t*, *d* and *ſ* into *ch*, *j* and *ſh*, in ſuch words az *nature*, *education*, *ſuperſtition*, originated in the theatrical mouthing of words; and iz, in language, what the ſtage-ſtrut iz in walking. The practice haz indeed ſpred from the ſtage among our polite ſpeekers, who hav adopted it, az people do other faſhions, without knowing why. Were it a matter of indifference, like the ſhape of a hat, I would recommend it to your imitation; but I hav cleerly prooved in another place,* that the practice iz not vindicable on any good principles; that on the contrary, it materially injures the language, both in orthography and the melody of ſpeeking. There iz ſuch a thing az tru and falſe taſte, and the latter az often directs faſhion, az the former. The *nachure* and *edjucation* of modern times are to purity of language, what red fethers and yellow ribbons are to elegance in dreſs; and could the practice be repreſented with a pencil, it would be az boldly caricatured, az the normous hed-dreſſes of 1774.

Do not adopt ſuch phraſes az *averſe from*, *agreeably to*, *going paſt*, and other modern alterations of the uſual idiom; for they are groſs violations of the principles of the language, az might be eezily prooved, were this the place. If you are a lawyer, do not confound ſuch terms, az, *witneſs*, *teſtimony* and *evidence*, calling a *witneſs*, an *evidence*. *Witneſs* iz the perſon teſtifying; *teſtimony* iz what he declares in court; and *evidence* iz the effect of that teſtimony in producing conviction. Do not confound ſuch words az, *genius* and *capacity*, or *ſenſe*, *lerning* and *knowlege*. *Genius* iz the power of *invention*;

* See my Diſſertations on the Engliſh Language, 4.

vention; *capacity*, the power of *receeving* ideas. *Senſe* iz the faculty of perception; *lerning* iz what iz obtained in *books*; *knowlege* iz what iz acquired by *obſervation*.

Attach yourſelves to bizzineſs in the erly part of life. Shun idle diſſipated karacters az you would the plague. Liſten to nature and reezon, and draw juſt ideas of things from theze pure ſources; otherwize you wil imbibe *faſhionable ſentiments*, than which a more fatal evil cannot happen to you. You wil often heer bizzineſs condemned az drudgery and diſgrace. Deſpize the ſentiment. Nature ſpeeks a different language. Nature tells you, "that ſhe haz given you bodies, which require conſtant exercize; that labor or ſome other exercize iz eſſential to helth; that employment iz neceſſary to peece of mind; and induſtry iz the meens of acquiring property." Nature then haz rendered *bizzineſs* neceſſary to *helth and happineſs*, az wel az to *intereſt*; and when men neglect her dictates, they are uſually puniſhed with poverty, diſeeze and retchedneſs. It ſometimes happens that a man's anceſtors hav accumulated ſuch an eſtate, that he iz wel ſecured from *poverty*; but the very eſtate he poſſeſſes, iz the meens of entailing upon him diſeeze and all its conſequential evils: For a rich man iz ſtrongly tempted to be lazy; and indolence, by debilitating the animal ſyſtem, deſtroys the power of enjoyment. Beſides, a man of eezy circumſtances iz very apt to looze the virtu of ſelf denial; he indulges hiz appetite too freely; be becumes an epicure in eeting, and perhaps a bakkanalian; he iz then a ſlave of the worſt kind, a ſlave to hiz own deſires, and hiz faithful ſervices to himſelf are rewarded with the gout.

In addition to this, he may ſquander away hiz eſtate; and then he iz poor indeed! For a man who iz bred in affluence, ſeldom haz the reſolution or the knowlege requiſit to repair a broken fortune. The way to *keep an eſtate*, iz to lern in youth how to *acquire one*; and the way to *enjoy* an eſtate, iz to be conſtantly in ſome bizzineſs which ſhal find employment for the faculties of the mind. Idleneſs and plezure fateeg az ſoon az

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bizzineſs ; and indeed when bizzineſs haz becume habitual, it iz the firſt of plezures.

In forming a matrimonial connection, bridle fancy, and reduce it to the control of reezon. You wil perhaps be in luv at ſixteen ; but remember, you cannot rely on the continuance of the paſſion. At this erly period of life, a man's paſſions are too violent to laſt ; he iz in raptures and ecſtacy ; but *raptures and ecſtacy* never continu *thro life*. While a man talks of raptures and paradiſe on erth, he iz not fit to be married ; for hiz paſſion, or rather hiz frenzy, warps hiz judgement ; he iz az unqualified to form a juſt eſtimate of a woman's karacter, az a blind man to judge of colors. The probability iz, in all ſuch caſes, that a man wil make a bad choice ; at leeſt the chances are ten to one againſt him. Before a man marries, he ſhould liv long enuf to experience the fallacy of hope, and to moderate hiz expectations down to real life. He wil then meet with fewer diſappointments, and be better prepared to realize the happineſs that iz within hiz power.

If you feel a *violent* paſſion for a young lady, the chance iz that the firſt opportunity you hav, you wil diſcloze it, and aſſure her you are dying for her. Should paſſion hurry you to ſuch a declaration, before you hav much acquaintance with her, and before you hav, by your attentions, made ſome favorable impreſſions on her hart, you may be ſure of a repulſe ; for your ſudden profeſſions frighten the lady, and ladies are never frightened into luv. A widow wil ſometimes ſurrender to the moſt unexpected attack ; but yung coy maidens are to be taken only by gradual approaches. To enſure ſucceſs, take the advice of a very ſenſible woman ; "firſt be the frend, and then the luver." Be polite and attentiv ; ſhow yourſelf a partieular frend, for ladies are not alarmed at profeſſions of eſteem ; be neether baſhful, nor diſcuver uncommon ſolicitude ; and the lady's hart wil probably be yours before ſhe knows it.

Do you aſk, how you ſhal diſcuver the tru karacter of a woman, ſo az not to be deceeved ? I anſwer, this

muſt depend moſtly on obzervations of your own, or of thoze that are more acquainted with the ſex than yourſelf. The virtues of good nature, delicacy, modeſt rezervedneſs, prudence, &c. are diſcuverable only by conſiderable acquaintance. I would however advize you to be cautious of connecting yourſelves with the following karacters: Firſt, wimen who hav been accuſtomed to indulge familiarities, even in company, ſuch az kiſſing, playing with their hands, and the like. Secondly, thoze who wil never be ſeen in the morning; for if a lady runs out of a room, and avoids you in a morning dreſs, the ſuſpicion iz that ſhe iz a ſlut, and that ſhe iz conſcious of her unfitneſs to be ſeen. A neet woman wil never be aſhamed of her diſhabille, for in this ſhe wil ſhow her neetneſs to the beſt advantage. A ſlut may look tolerably wel in ſilks; but a neet woman only wil appeer wel in a kitchen or at a brekfaſt table in her own family.

Thirdly, never connect yourſelves with a very loquacious or fretful woman; ſuch a partner wil teeze you thro life. Fourthly, avoid one who haz a ſlanderous tung; ſhe wil keep your family and the naborhood in perpetual diſcord. Fifthly, form no connection with a woman, who haz no acquaintance with a kitchen. She wil truſt every thing to ſervants, who wil waſte more than you conſume; ſhe wil not know how to reform abuſes or guvern domeſtics; the clothes wil be ill waſhed, the food wil be badly cooked; you wil be harraſſed with diſorders and irregularity in the family; and you wil be aſhamed of your wife, if ſhe iz not aſhamed of herſelf. A maſter of a veſſel ſhould not *come in at the cabin windows*; nor ſhould a man be placed at the hed of an army, without an intimate knowlege of the duty of a private ſoldier. How then can a lady be qualified for the care of a family, without being acquainted with every part of domeſtic biznineſs? Sixthly, marry, if poſſible, a lady of virtu and religion; for religion iz her beſt gard from temptation and the allurements of viee. At any rate, *marry*. A

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married man, eſpecially a *father*, iz a better citizen than a bachelor. Hiz benevolent affections are called in to exercize in hiz family; and he iz thus prepared to luv and to bleſs ſociety in general.

No.

No. XXX.

NEW YORK, 1788.

An ADDRESS *to* YUNG LADIES.

MY AMIABLE FRENDS,

ALTHO men in general are expozed to the ſuſpicion of your ſex, and their opinions are often conſtrued into flattery or ſtratagem, yet the tenor of the following remarks wil, it iz preſumed, bear ſuch marks of ſincerity az to giv them a place in your confidence. They are not the precepts of a moroſe inſtructor, nor the opinions of a hoary ſage who haz loſt all reliſh for the joys of life, and wiſhes to reſtrain the innocent plezures of ſenſe. They do not proceed from a peeviſh old bachelor, whom a phlegmatic conſtitution, or repeeted diſappointments, hav changed into a hater of your ſex; but they come from a heart capable of being ſoftened by your charms or your misfortunes; a heart that never harbored a wiſh but to ſee and make you happy. They are the ſentiments of a yung *frend*; one who haz lived long enuf, if not to feel his *own* faults, at leeſt to *diſcuver* thoze of others; and to form a tolerable eſtimate of your worth in ſocial life.

Our Saviour, when on erth, took a child in hiz arms and ſaid, "of ſuch iz the kingdom of heaven." I never view a circle of little miſſes without recollecting the divine compariſon. A collection of ſweet little beings, with voices az melodious az the notes of the nightingale, whoze cheeks even a whiſper wil cuver with bluſhes, and whoze hearts are az pure az the falling ſnow drop; iz heaven in miniature. Such iz the deſcription of my little female frends in the bloom of childhood. To prezerve that delicacy of mind, which nature furniſhes; which conſtitutes the glory of your ſex, and forms the principal gard of your own virtue, iz the bizzineſs of education. In this article, you hav

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an opportunity to diſplay the excellence of your character, and to exert your talents moſt ſucceſsfully in benefitting ſociety.

A woman without delicacy, iz a woman without reputation; for chaſtity really exiſts in the mind; and when this fountain iz pure, the words and actions that flow from it, wil be chaſte and delicate. Yung miſſes therefore ſhould be remooved az far az poſſible from all company that can taint their minds, or accuſtom them to indecency of any kind. Their nurſes, their companions, their teechers, ſhould be ſelected from peeple of at leeſt uncorrupted morals and amiable manners.

But a more advanced ſtage of life, the time when yung ladies enter into ſociety, iz, with reſpect to their future reputation, a period extremely critical. Little, my deer friends, do you reflect, how important iz the manner in which you enter into life. Prudery and coquetry are extremes equally to be ſhunned, becauze both are equally diſagreeable to our ſex, and fatal to your reputations. It haz been ſaid that coquetts often looze their reputation, while they retain their virtu; and that prudes often prezerve their reputation, after they hav loſt their virtu. I would only add this remark, that coquetts are *generally*, but prudes *almoſt always* ſuſpected; and ſuſpicion iz az fatal to a female karacter, az a crime. Iz this unjuſt? Coquetry and prudery are both affectation; every ſpecies of affectation dezerves puniſhment; and when perſons relinquiſh their own natural karacters for thoze which are borrowed, iz it unjuſt to ſuſpect their motivs, az a puniſhment for the offence?

You are taught to ſuſpect the man who flatters you. But your good ſenſe wil very eezily diſtinguiſh between expreſſions of mere civility and declarations of real eſteem. In general one rule holds, that the man who iz moſt laviſh in declarations of eſteem and admiration, luvs and admires you the leeſt. A profuſion of flattery iz real ground for ſuſpicion. Reel eſteem iz evinced

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by a uniform courſe of polite reſpectful behaviour. This iz a proof on which you may depend; it iz a flattery the moſt grateful to a lady of underſtanding, becauſe it muſt proceed from a real reſpect for her karacter and virtues.

Permit me here to ſuggeſt one caution. You are told that unmeening flattery iz an inſult to your underſtandings, and ſometimes you are apt to reſent it. This ſhould be done with great prudence. Precipitate reſentment iz dangerous; it may not be dezerved at the time; it may make you an enemy; it may giv uneezineſs to a frend; it may giv your own harts pain; it may injure you by creating a ſuſpicion that it iz all affectation. The common place civilities of dangling beaux may be very trifling and diſagreeable, but can rarely amount to an inſult, or dezerve more than indifference and neglect. Reſentment of ſuch trifles can hardly be a mark of tru dignity of ſoul.

At this period of life, let the prime excellence of your karacters, *delicacy*, be diſcuvered in all your words and actions. Permit me, az one acquainted at leeſt with the ſentiments of my own ſex, to aſſure you, that a man never reſpects a woman, who does not reſpect herſelf. The moment a woman ſuffers to fall from her tung, any expreſſions that indicate the leeſt indelicacy of mind; the moment ſhe ceeſes to bluſh at ſuch expreſſions from our ſex, ſhe ceeſes to be reſpected; becauze az a lady, ſhe iz no longer reſpectable. Whatever familiarity of converſation may be vindicable or pardonable in ether ſex alone, there iz, in mixed companies, a ſacred decorum that ſhould not be violated by one rude idea. And however diſpozed the ladies may be to overlook ſmall tranſgreſſions in our ſex, yet unforgiving man cannot eezily forget the offences of yours, eſpecially when thoze offences diſcuver a want of all that renders you lovely.

If your *words* are to be ſo ſtrictly watched, how much more attention iz neceſſary to render your *conduct* unexceptionable. You charge our ſex, with being the ſeducers, the betrayers of yours. Admit the charge

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to be partially tru, yet let us be candid. Az profligate az many of our ſex are acknowleged to be, it iz but juſtice to ſay, that very few are ſo abandoned az to attempt deliberately the ſeduction of an artleſs and innocent lady, who ſhows, by her conduct, that ſhe iz conſcious of the worth of her reputation, and that ſhe reſpects her own karacter. I hav rarely found a libertine who had impudence enuf to aſſail virtue, that had not been expozed by ſome improprieties of conduct. There iz ſomething ſo commanding in virtu, that even villans reſpect her, and dare not approach her temples but in the karacter of her votaries.

But when a woman iz incautious, when ſhe iz reddy to fall into the arms of any man that approaches her, when ſhe ſuffers double entendres, indecent hints and converſation to flow from her lips in mixed companies, ſhe remooves the barriers of her reputation, ſhe diſarms herſelf, and thouſands conſider themſelves at liberty to commence an attack.

When ſo much depends on your principles and reputation; when we expect to derive all the happineſs of the married life from that ſource, can it be a crime to wiſh for ſome proof of your virtu before the indiſſoluble connection iz formed? Iz that virtu to be truſted which haz never been tempted? Iz it abſurd to ſay that an attack may be made even with honorable intentions? Admit the abſurdity; but ſuch attempts are often made, and may end in your ruin. The man may then be retched in hiz miſtake becauze he iz diſappointed in hiz opinion and expectations. Be aſſured, my frends, that even vile man cannot but eſteem the woman who reſpects herſelf. We look to you, in a world of vice, for that delicacy of mind, that innocence of life, which render *you* lovely and *ourſelves* happy.

Do you wiſh for admiration? But admiration iz az tranſient az the blaze of a meteor. Ladies who hav the moſt admirers, are often the laſt to find valuable partners.

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Do you wiſh to be eſteemed and luved? It iz eezy to render yourſelves eſteemable and lovely. It iz only by retaining that ſoftneſs of manners, that obliging and delicate attention to every karacter, which, whether natural or acquired, are at ſome period of life, the property of almoſt every female. Beauty and money, without merit, will ſometimes command eligible connections; but ſuch connections do not anſwer the wiſhes of our hearts; they do not render us happy. Lerning, or an acquaintance with books, may be a very agreeable or a very diſagreeable accompliſhment, in proportion to the diſcretion of the lady who poſſeſſes it. Properly employed, it iz highly ſatisfactory to the lady and her connections; but I beleev obzervation wil confirm my conjecture, that a ſtrong attachment to books in a lady, often deters a man from approaching her with the offer of hiz heart. This iz aſcribed to the pride of our ſex. That the imputation iz always falſe, I wil not aver; but I undertake to ſay, that if pride iz the cauze, it iz ſupported by the order of nature.

One ſex iz formed for the more hardy exercizes of the council, the field and the laborious employments of procuring ſubſiſtence. The other, for the ſuperintendance of domeſtic concerns, and for diffuſing bliſs thro ſocial life. When a woman quits her own department, ſhe offends her huſband, not merely becauze ſhe obtrudes herſelf upon *hiz* bizzineſs, but becauze ſhe departs from that ſphere which iz aſſigned *her* in the order of ſociety; becauze ſhe neglects *her* duty, and leeves *her own* department vacant. The ſame remark wil apply to the man who viſits the kitchen and gets the name of a *betty*. The ſame principle which excludes a man from an attention to domeſtic bizzineſs, excludes a woman from law, mathematics and aſtronomy. Eech ſex feels a degree of pride in being beſt qualified for a particular ſtation, and a degree of reſentment when the other encroaches upon their privilege. This iz acting conformably to the conſtitution of ſociety. A woman would not willingly marry a man who iz ſtrongly inclined to paſs hiz time in ſeeing the

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houſe and furniture in order, in ſuperintending the cooks, or in working gauze and tiffany; for ſhe would predict, with ſome certainty, that he would neglect hiz proper bizzineſs. In the ſame manner, a man iz cautious of forming a connection with a woman, whoze predilection for the ſciences might take her attention from neceſſary family concerns.

Ladies however are not generally charged with a too ſtrong attachment to books. It iz neceſſary that they ſhould be wel acquainted with every thing that reſpects life and manners; with a knowlege of the human hart and the graceful accompliſhments. The greateſt miſfortune iz, that your erly ſtudies are not always wel directed; and you are permitted to devour a thouſand volumes of fictitious nonſenſe, when a ſmaller number of books, at leſs trubble and expenſe, would furniſh you with more valuable trezures of knowlege.

To be *lovely* then you muſt be content to be *wimen*; to be mild, ſocial and ſentimental; to be acquainted with all that belongs to your department, and leeve the maſculine virtues, and the profound reſearches of ſtudy, to the province of the other ſex.

That it may be neceſſary, for political purpoſes, to conſider man az the ſuperior in authority, iz to me probable. I queſtion whether a different maxim would not deſtroy your own happineſs.

A man iz pleezed with the deference hiz wife ſhows for hiz opinions; he often loves her even for her want of information, when it creates a kind of dependence upon hiz judgement. On the other hand, a woman always deſpiſes her huſband for hiz inferiority in underſtanding and knowlege, and bluſhes at the figure he makes in the company of men who poſſeſs ſuperior talents. Do not theze facts juſtify the order of ſociety, and render ſome difference in rank between the ſexes, neceſſary to the happineſs of both? But this ſuperiority iz comparativ, and in ſome mezure, mutual. In many things, the woman iz az much ſuperior to her huſband, az he iz to her, in any article of information. They depend on eech other, and the aſſumption of any

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prerogativ or ſuperiority in domeſtic life, iz a proof that the union iz not perfect; it iz a ſtrong evidence the parties *are* not, or *wil* not be happy.

Ladies are often ridiculed for their loquaciouſneſs. But ridicule iz not the worſt puniſhment of this fault. However witty, ſprightly and ſentimental your converſation may be, depend on it, az a maxim that holds without exception, that the perſon who talks inceſſantly, wil ſoon ceeſe to be reſpected. From congreſs to private families, the remark iz tru, that a man or woman who talks much, loozes all influence. To your ſex, talkativneſs iz very injurious; for a man wil hardly ever chooze a noizy loquacious woman for hiz companion. A delicate rezerv iz a becuming, a commanding characteriſtic of an amiable woman; the want of which no brilliant accompliſhments wil ſupply. A want of ability to converſe, iz ſcarcely ſo much cenſured, az a want of diſcretion to know when to ſpeek and when to be ſilent.

In the choice of huſbands, my fair readers, what ſhall I ſay? It has been ſaid or inſinuated, that you prefer men of inferior talents. This iz not tru. You are ſenſible that a good addreſs and a reſpectful attention, are the qualities which moſt generally recommend to the eſteem of both ſexes. A philoſopher, who iz abſent and ſtupid, wil not pleaſe az a companion; but of two perſons equal in other reſpects, the man of ſuperior talents iz your choice. If my obzervations hav not deceeved me, you pride yourſelves in being connected with men of eminence. I mention this to contradict the opinion maintained in the Lounger, that ladies giv a ſort of preference to men of inferior talents. The opinion wants extenſion and qualification; it extends to both ſexes, when tru, but iz never tru, except when men of talents are deſtitute of ſocial accompliſhments.

Money iz the great object of deſire with both ſexes; but how few obtain it by marriage? With reſpect to our ſex, I confeſs, it iz not much to a man's credit to ſeek a fortune without any exertions of hiz own; but

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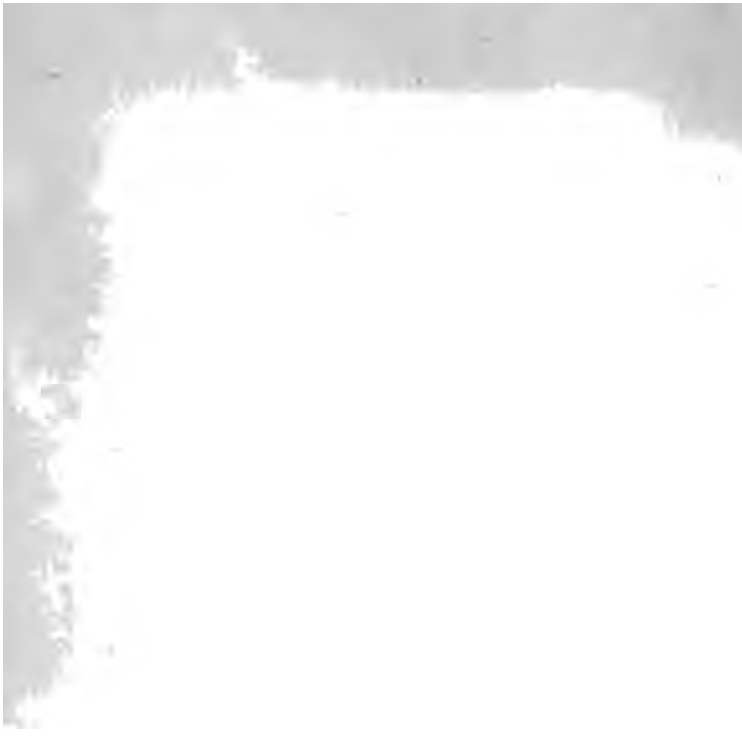
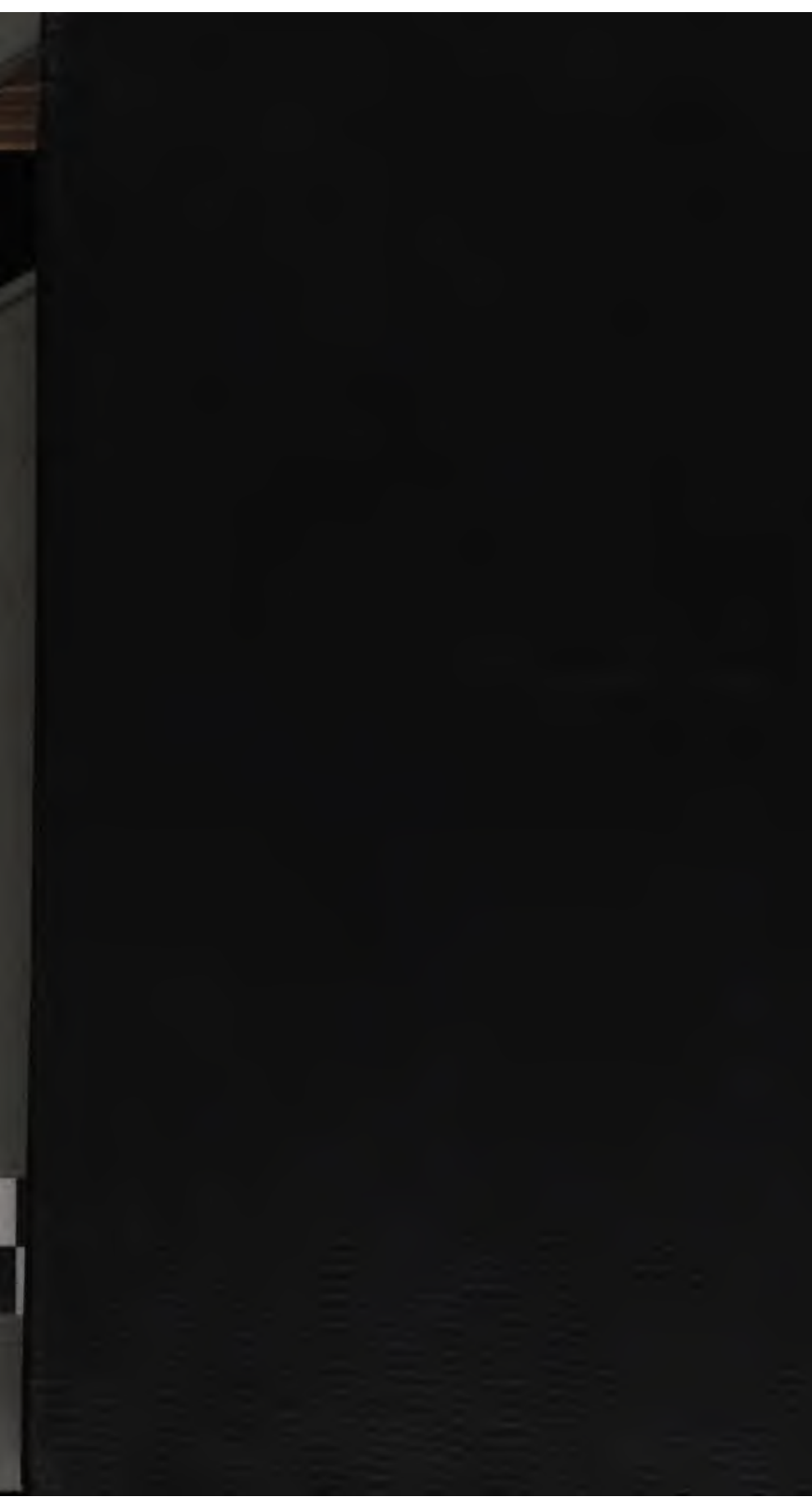
the ladies often make a capital miſtake in the meens of obtaining their object. They aſk, *what iz a man's fortune?* Whereas, if they are in purſuit of welth, ſolid permanent welth, they ſhould aſk, *is he a man of bizzineſs? Of talents? Of perſevering induſtry? Does he know the uſe of money?* The difference in the two caſes iz this: The man of fortune, who haz not formed a habit of acquiring property, iz generally ignorant of the uſe of it. He not only ſpends it, but he ſpends it without ſyſtem or advantage, and often dies a poor man. But the man who knows how to *acquire* property, generally keeps hiz expenditures within hiz income; in exerting hiz talents to *obtain*, he forms a habit of *uzing* hiz property to advantage, and commonly enjoys life az wel in *accumulating* an eſtate, az the man of fortune does in *diſſipating* one. My idea iz breefly this; that the woman who marries a man of bizzineſs, with very little property, haz a better chance for a fortune in middle life and old age, than one who marries a rich man who livs in idleneſs.

After all, ladies, it depends much on yourſelves to determin, whether your families ſhall enjoy eezy circumſtances. Any man may acquire ſomething by hiz application; but *economy*, the moſt difficult article in conducting domeſtic concerns, iz the womans province.

You ſee with what frankneſs and candor I tell you my opinions. This iz undoutedly the beſt mode of conducting ſocial intercourſe, and particularly our intercourſe with the faireſt part of the creation.

I rite from feeling; from obzervation; from experience. The ſexes, while eech keep their proper ſphere, cannot fail to render eech other ſocial and happy. But frail az yours iz commonly repreſented, you may not only boaſt of a ſuperior ſhare of virtu yourſelves, but of garding and cheriſhing ours. You hav not only an intereſt in being good for your *own* ſakes, but *ſociety* iz intereſted in your goodneſs; you poliſh our manners, correct our vices, and inſpire our harts with a love of virtue. Can a man who loves an amiable woman, abandon himſelf to vices which ſhe abhors?

hors? May your influence over our ſex be increeſed; not merely the influence of beauty and gay accompliſhments, but the influence of your virtues, whoze dominion controls the evils, and multiplies the bleſſings of ſociety.

THE END.